



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE Department of Managed Health Care

A written comment period has been established commencing on December 29, 2006, and closing on February 12, 2007. Written comments should be directed to the Fair Political Practices Commission, Attention Kevin S. Moen, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than February 12, 2007. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Kevin S. Moen, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to Kevin S. Moen, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY: Kings/Tulare Area Agency on Aging
Sacramento Municipal Utility District
Metropolitan Water District of Southern California
Citrus Heights Water District

A written comment period has been established commencing on **December 29, 2006**, and closing on **February 12, 2007**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **February 12, 2007**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3423(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Oriental Fruit Fly Interior Quarantine as an emergency action that was effective November 13, 2006. The Department proposes to continue the regulation as amended and submit a Certificate of Compliance for this action no later than March 13, 2007.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before February 12, 2007.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The amendment of Section 3423(b) established a quarantine area of approximately 93 square miles surrounding the Santa Ana area of Orange County. The effect of the change is to provide authority for the State to regulate movement of hosts of Oriental fruit fly from, into, and within that area under quarantine to prevent artificial spread of the fly to noninfested areas to protect California's agricultural industry. The proposed action

does not differ from any existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3423 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3423. No reimbursement is required for Section 3423 under Section 17561 of the Government Code because the agricultural commissioner of Orange County requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$86 per year in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within

California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to amend Section 3423(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet web-site (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1433. APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1433, Application for License to Conduct a Horse Racing Meeting. The proposed amendment would modify the forms CHRB-17, Application for License to Conduct a Horse Racing Meeting, and CHRB-18, Application for License to Conduct a Horse Racing Meeting of a California Fair, which are incorporated into Rule 1433 by reference, to implement certain requirements of Assembly Bill 1180, Statutes of 2005, and to add a new section identifying advance deposit providers used by the racing associations and racing fairs.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, February 22, 2007**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, 285 West Huntington**

Drive, Arcadia, California. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on February 12, 2007**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6022
E-mail: harolda@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440, Business and Professions (B&P) Code. Reference: Sections 19480 and 19562, B&P Code.

B&P Code Sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19480 and 19562, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19420 states jurisdiction and supervision over meetings in California where horse races with wagering on their results are held, and over all persons or things having to do with the operation of such meetings, is vested in the Board. B&P Section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. B&P Code Section 19480 states the Board may issue to any person who makes application therefore in writing, who has complied with the provisions of this chapter, and who makes deposit to secure payment of the license fee imposed by this article, a license to conduct a horse rac-

ing meeting. B&P Code Section 19562 states the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this State.

Assembly Bill (AB) 1180, Statutes of 2005, contained provisions that would require every racing association and racing fair to maintain specified equipment and staff for an on-track first aid facility; have certain qualified and licensed medical personnel on duty at all times during live racing; and to adopt and maintain plans and contact with area hospitals to coordinate procedures for emergency hospital treatment. The Board proposes to amend Rule 1433, Application for License to Conduct a Horse Racing Meeting, to meet the requirements of AB 1180 by modifying the forms CHRB-17, Application for License to Conduct a Horse Racing Meeting, and CHRB-18, Application for License to Conduct a Horse Racing Meeting of a California Fair, which are incorporated by reference into Rule 1433. The "Emergency Services" section of both forms (sec. 13 of CHRB-17 and sec. 12 of CHRB-18) were expanded to require racetracks and racing fairs to describe their on-track first aid facilities, including equipment and medical staffing. In addition, racetracks and racing fairs must provide information regarding the licensed physician on duty during the race meeting and the hospital to be used in the event of an on track injury to a jockey. AB 1180 requires racing associations and racing fairs to post an emergency medical plan in English and Spanish in the jockey room. The revised forms CHRB-17 and CHRB-18 require racing associations and racing fairs to attach a copy of their emergency medical plans to their application for license. The proposed amendment also requires racetracks and racing fairs to name the health and safety manager and assistant manager responsible for compliance with AB 1180 health and safety provisions. A "notice to applicant" which contains the text of B&P Code Section 19481.3 — one of the provisions modified by AB 1180 — is included, as it states the specific details of what is required of racetracks and racing fairs regarding emergency services. Additional changes to CHRB-17 and CHRB-18 include modifications to the "Purse Program" section (sec. 5 of both forms). The modifications require racing associations and racing fairs to provide the average daily purse for the current meeting and the prior meeting. This will allow for a more accurate and fair comparison between meetings. This is especially true where one meeting is of a different duration than another. A new section 8 titled "Advance Deposit Wagering" (ADW) has been added to both forms to identify the ADW providers to be used during the meeting. All other changes to the CHRB-17 and CHRB-18 are for purposes of grammar and numbering.

**DISCLOSURE REGARDING
THE PROPOSED ACTION**

Mandate on local agencies and school districts: none.
Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1433 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1433 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1433 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: harolda@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Jacqueline Wagner, Manager,
Policy and Regulation Unit
Telephone: (916) 263-6041

**AVAILABILITY OF INITIAL
STATEMENT OF REASONS AND
TEXT OF PROPOSED REGULATION**

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process

at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1606. COUPLING OF HORSES

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1606. Coupling of Horses. The proposed amendment would exempt quarter horse races from the requirement that two or more horses shall be coupled as a single wagering interest when the same person or persons own them in whole or in part.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, February 22, 2007**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on February 12, 2007**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6042
E-mail: harolda@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440 and 19590, Business and Professions (B&P) Code. Reference: Section 19401, B&P Code.

B&P Code Sections 19420, 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Section 19401, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19420 states jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. B&P Code Section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. B&P Code Section 19590 states the Board shall adopt rules governing, permitting, and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering. B&P Code Section 19401 states the intent of this chapter is to allow pari-mutuel wagering on horse races, while: assuring protection of the public; encouraging agriculture and breeding of horses in California; supporting the network of California fairs; providing for maximum expansion of horse racing opportunities in the public interest; providing uniformity of regulation for each type of horse racing.

The Board proposes to amend Rule 1606 to exempt quarter horse races from the requirement that two or more horses shall be coupled as a single wagering interest when the same person or persons own them in whole or in part.

In 2006 the Board examined the practice of coupling horses as a single wagering interest when the same person or persons owned them in whole or in part. Coupling became an issue when some within the industry expressed dissatisfaction with the possibility that a fan that wagers on a coupled entry consisting of a favorite and a mediocre horse would be left with a wager on the lesser horse if the favorite were scratched. They also argued that owners do not have as much influence as trainers on horse races, so it did not make sense to couple owners if horses trained by the same trainer were not coupled. The elimination of coupling was seen as one possible solution to these issues. To test the hypothesis, the Board enacted Rule 1406, Suspension of Rule, and

temporarily suspended Rule 1606 at two thoroughbred race meetings, and later extended the suspension of Rule 1606 to include the quarter horse meeting at Los Alamitos Race Track. As a condition of the suspension of Rule 1606 the Board requested that the racing associations participating in the experiment keep track of the number of times horses were uncoupled, and the effect of uncoupling on the handle. At the end of the temporary suspension the participating racetracks reported their numbers were not sufficient to support a conclusion. Only a few dozen races qualified for the uncoupling experiment (There had to be five or more racing interests in a race before uncoupling could occur.). In races where coupling did occur, there was a slight increase in handle due to more wagering interests. However, Los Alamitos Racing Association stated its brief experiment with uncoupling was beneficial, and it requested that it be allowed to continue. Los Alamitos stated there is a shortage of quarter horses in California, and the seven to nine times a week it could uncouple horses increased the number of wagering possibilities in a race, and thus, increased the amount of money available for purses.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1606 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1606 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1606 does not affect small businesses be-

cause horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: harolda@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Jacqueline Wagner, Manager
Policy and Regulations
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt

the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1581.1. ENTRIES

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1581.1, Entries. The proposed amendment would add the word "California" to Subsection 1581.1(a) to make it clear that a horse drawn for a post position in a race to be run may subsequently be entered in a California stakes race only.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, February 22, 2007**, or as soon after

that as business before the Board will permit, at the **Aradia City Hall, 240 West Huntington Drive, Aradia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on February 12, 2007**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6042
E-mail: harolda@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code. Reference: Section 19440 and 19562, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19440 and 19562, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. B&P Code Section 19590 states the Board shall adopt rules governing, permitting, and regulating wagering on horse races under the system known as the pari-mutuel method of wagering. B&P Code 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in California.

Section 1581.1(a) states that a horse that has drawn a post position for any race to be run may not be entered for any subsequent race, other than for a stakes race. This statement has recently caused confusion, as some have indicated it may be interpreted to include stakes races in other racing jurisdictions; this is not the case. To clarify the intent of the regulation the Board has determined that the term "California stakes races" shall be used. To state that the stakes races in which such horses may subsequently be entered are California stakes races will leave no room for misinterpretation.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1581.1 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1581.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1581.1 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as

effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
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Telephone: (916) 263-6397
E-mail: harolda@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the

modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1481. OCCUPATIONAL LICENSES AND FEES

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1481, Occupational Licenses and Fees, to add the occupational license class of graded stakes security guard. A graded stakes security guard license would cost \$35 for a period of one year.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, February 22, 2007**, or as soon after that as business before the Board will permit, at the **Arcadia City Hall, 240 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on February 12, 2007**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6042
E-mail: harolda@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19510, 19520 and 19703, Business and Professions (B&P) Code. Reference: Sections 19510, 19512 and 19704, B&P Code.

B&P Code Sections 19440, 19510, 19520 and 19703 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19510, 19512 and 19704, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, licensing of each racing association and all persons, other than the public at large, who participate in a horse racing meeting with pari-mutuel wagering. B&P Code Section 19510 states no person required to be licensed pursuant to this article may participate in any capacity in any horse race meeting without a valid and unrevoked license. B&P Code Section 19520 provides that every person not required to be licensed under Article 4 (commencing with Section 19480) who participates in, or has anything to do with the racing of horses shall be licensed by the Board pursuant to rules and regulations that the Board may adopt, and upon the payment of a license fee fixed and determined by the Board. B&P Code Section 19703 states the Board may prescribe rules governing; permitting and regulating mule racing with pari-mutuel wagering. B&P Code Section 19512 provides that the Board shall require applicants for license as a steward to pass both a written and an oral examination. B&P Code Section 19704 states the Board shall issue a license for participants in mule racing, which shall be limited to mule races only.

The Board proposes to amend Rule 1481, Subsection (c), to provide for the occupational licensing of graded stakes security guards. California racing associations currently contract with private security firms to provide security guards for graded stakes events. This is necessary, as the Board has encouraged racing associations to provide enhanced security for all graded stakes events. Racing associations do not have enough regular security personnel to conduct surveillance at each stall of horses entered in graded stakes, nor could Board investigators be used to provide such enhanced security. Graded stakes are high publicity events with larger purses. Horses that win graded stakes increase in value. If a graded stakes winner is a stallion, the value of its stud fees may increase, as well as the value of its offspring. The benefits of owning or training a graded stakes winner may provide the impetus for some to violate the Board's rules and regulations. To enhance graded stakes security, and prevent illegal activities, racing associations engage graded stakes security guards. These guards provide around-the-clock surveillance at the stalls of horses entered in graded stakes races by conducting video surveillance and keeping written records. Graded stakes security guards are used on an "as needed" basis and may only be present on the backside sporadically; however, the Board has an interest in allowing only qualified persons onto the restricted areas of the racetrack, and while such security guards may hold California Department of Consumer Affairs certification, Horse Racing Law requires that the Board license all persons, other than the public at large, who participate in a horse racing meeting with pari-mutuel wagering. To ensure the integrity of the enhanced security program for graded stakes, the Board has determined that graded stakes security guards must be eligible for a Board-issued occupational license. The proposed amendment to Subsection 1481(c) will add the occupational licensing.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1481 will not have a significant statewide adverse economic impact directly af-

fecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: A representative private person would incur a cost of \$35 for an initial graded stakes security guard occupational license, and \$20 for each renewal of such license. The Board is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1481 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1481 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: harolda@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Jacqueline Wagner, Manager
Policy and Regulations
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

**TITLE 8. OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

NOTICE OF PUBLIC MEETING/PUBLIC
HEARING/BUSINESS MEETING OF THE
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD AND NOTICE OF
PROPOSED CHANGES TO TITLE 8 OF THE
CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **February 15, 2007**, at 10:00 a.m. in the Harris State Building, Room 11
1515 Clay Street, Oakland, California 94612-1499.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **February 15, 2007**, following the Public Meeting in the Harris State Building, Room 11
1515 Clay Street, Oakland, California 94612-1499.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **February 15, 2007**, following the Public Hearing in the Harris State Building, Room 11
1515 Clay Street, Oakland, California 94612-1499.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at

(916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders; General Industry Safety Orders; and Tunnel Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **February 15, 2007**.

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 34
Section 1801
TUNNEL SAFETY ORDERS
Chapter 4, Subchapter 7, Article 6
Section 8416
Update of ANSI Z136.1 Laser Safety Standards, Warning Signs, Labeling, and Posting of Signs
2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 121
New Sections 5349, 5350, 5351, 5352, 5353, 5354, and 5355.1 and Sections 5355, 5356, 5357, and 5358
Snow Avalanche Blasting

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 34
Section 1801
TUNNEL SAFETY ORDERS
Chapter 4, Subchapter 7, Article 6
Section 8416
Update of ANSI Z136.1 Laser Safety Standards, Warning Signs, Labeling, and Posting of Signs

**INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW**

This rulemaking proposal would update certain existing Title 8 Construction Safety Orders and Tunnel Safety Orders, which incorporate by reference American National Standard Institute (ANSI) Z136.1-1993 standards for laser warning signs and labels. Those ANSI standards have been superseded by ANSI Z136.1-2000, thus rendering the safety orders, in Sections 1801 and 8416, out-of-date, since there are differences in form and content between the corresponding 1993 and 2000 ANSI provisions. In addition, the 1993 ANSI standards are no longer readily accessible.

In examining Sections 1801 and 8416, Board staff ascertained that Section 1801(c) cross-references a safety order that has been repealed and that Section 8416 could be simplified significantly. These changes are proposed as well.

Section 1801. Nonionizing Radiation.

This section contains various nonionizing radiation standards for the construction industry and includes but is not limited to: 1) qualifications for employees installing, adjusting or operating laser equipment, 2) using personal protective devices, 3) posting of signs and labels, and 4) guiding the internal alignment of lasers.

Changes are proposed to update the ANSI Z136.1 reference from the 1993 edition to the 2000 edition and incorporate by reference Chapter 4, Section 4.7 that specifically addresses laser warning signs and labels.

The first proposed change made in Section 1801 is in subsection (c), where the cross-reference to Section 1516(e) is replaced by a cross-reference to Section 3382(e). Section 1516(e) was repealed in 2000, and Section 3382(e) concerns the same subject matter (eye and face protection).

The second proposed change is in subsection (d) where references to ANSI Z136.1-1993, Sections 4.7-4.9, are replaced by reference to ANSI Z136.1-2000, Section 4.7. ANSI Z136.1-1993 is out of print or otherwise difficult to obtain, and ANSI Z136.1-1993 refers to symbol designs that also are out of print. If Section 1801 continued to incorporate such

outdated material, those who are subject to that safety order would have significant difficulty in ascertaining the safety order's requirements.

ANSI Z136.1-2000, on the other hand, is readily available and has references to current symbol designs, such as the "ANSI Z535 Design" and the "IEC 60825-1 Design." There are other differences between the relevant portions of ANSI Z136.1-2000 and ANSI Z136.1-1993:

- ANSI Z136.1-2000, Section 4.7, unlike ANSI Z136.1-1993, Section 4.7, designates the word "Notice" as a signal word and requires the use of the word "Notice" on signs posted outside a temporary laser controlled area.
- ANSI Z136.1-2000, Section 4.7, deletes a requirement found in ANSI Z136.1-1993, Section 4.7, for special signage to be used in connection with a Class 2a laser or laser system.
- ANSI Z136.1-2000, Section 4.7, unlike ANSI Z136.1-1993, Section 4.7, includes a reference to "Laser Protective Eyewear Required" as being an example of the wording that may appear on warning signs at position 1, above the tail of the sunburst.

Section 1801(d) incorporates ANSI Z136.1-1993, Sections 4.8 and 4.9, which do not govern the posting of laser warning signs and labels. ANSI Z136.1-2000 does not contain Sections 4.8 and 4.9, and the provisions of ANSI Z136.1-2000 that cover at least some of the same subject matter as ANSI Z136.1-1993, Sections 4.8 and 4.9, do not appear to govern the posting of laser warning signs and labels. Therefore, the proposed revision of Section 1801(d) omits the references to ANSI Z136.1-1993, Sections 4.8 and 4.9, and does not include any references to equivalent provisions of ANSI Z136.1-2000.

By referencing ANSI Z136.1-2000, Section 1801(d) will utilize the current consensus standard, and Section 1801(d) will be more intelligible and user friendly.

Section 8416. Lasers.

This section contains laser requirements for tunneling operations and addresses locating and targeting of lasers, laser warning signs and labels under section 8416(b) and also requires the use of lasers in accordance with the requirements of Construction Safety Orders, Section 1801 that are stated in section 8416(c).

An amendment is proposed to delete existing language pertaining to the posting of laser warning signs and labels in accordance with the ANSI Z136.1-1993 standard and replace it with a reference to Section 1801 of the Construction Safety Orders which is proposed to incorporate by reference applicable laser warning sign and label requirements contained in the ANSI Z136.1-2000 standard. The proposed amendment will

eliminate duplication and have no other effect other than to reduce and simplify the existing regulatory text language, making the amended standard easier to read without having to repeat provisions found in Section 1801. In addition, the words "installed and adjusted" are to be added to Section 8416(c) in order to reflect the wording of Section 1801(a), thereby ensuring that the scope of Section 8416 coincides with the scope of Section 1801.

DOCUMENT INCORPORATED BY REFERENCE

ANSI Z136.1-2000, American National Standard for the Safe Use of Lasers, Chapter 4, Section 4.7.

This document is too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the document by reference. A copy of this document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Occupational Safety and Health Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

DETERMINATION OF MANDATE

The Board has determined that the proposed standards do not impose a local mandate. Therefore, reim-

bursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as

and less burdensome to affected private persons than the proposed action.

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7, Article 121
New Sections 5349, 5350, 5351, 5352,
5353, 5354, and 5355.1 and Sections
5355, 5356, 5357, and 5358
Snow Avalanche Blasting

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) initiates this rulemaking as the result of a Board Decision regarding OSHSB Petition File No. 476, dated March 16, 2006. In the Petition, the Petitioner (Mr. C. Duane Niesen), representing the California Ski Industry Association, requested that the Board amend Title 8, California Code of Regulations (CCR), Sections 5357 and 5358 of the General Industry Safety Orders (GISO), concerning arming and placing of explosive charges, and the management of misfired charges used in the control of avalanche danger.

In his September 29, 2005, letter to the Board, the Petitioner stated that the Division of Occupational Safety and Health (Division) interpretation of existing avalanche control standards is unclear with regard to Sections 5357 and 5358. The Petitioner stated that avalanche control methods similar to the proposed amendments have been successfully used in California, other states, and provinces in Canada for three decades without accidents attributable to the proposed practices.

In addition to the proposed amendments to Sections 5357 and 5358 by Mr. Niesen, Board staff recommends developing a comprehensive vertical standard for avalanche blasting operations because of its unique objectives, work conditions and related hazards. Additionally, the work force to carry out blasting operations is usually involved with other responsibilities and duties associated with the operation of ski resorts, and commonly are ski patrollers that work seasonally as part time blasters. For this reason, Board staff recommends the creation of a separate, comprehensive standard for avalanche control blasting that highlights those standards that are of greatest significance, even when similar blasting standards are listed elsewhere in the GISO. The proposed avalanche blasting standard provides clarity and reflects current industry wide practices related to the training, blasting crew makeup, explosives, detonating systems, explosives storage, arming of charges, transportation, avalanche blasting and the management of misfires.

Currently, Title 8, Article 121 does not address the issues of 1) arming at the bottom of the slope, 2) trans-

porting the armed handcharges via the ski lift to the top of the slope, 3) disarming of misfired handcharges before they have been deployed and 4) deploying handcharges from ski lifts. As asserted by Mr. Niesen, the lack of these specific standards has led to confusion regarding the avalanche control procedures allowed in California. Without specific avalanche control standards, the ski industry is subject to the blasting standards in Group 18 of the GISO, which prohibit many of the practices commonly used during avalanche blasting activities in California and the nation. As determined during the advisory committee meetings, there are resorts in compliance with current blasting standards who arm the charges at or near the deployment site and do not transport armed charges on ski lifts. Each of the individuals representing these resorts supports the proposal.

The proposal is the result of a collaborative effort by the ski industry representatives, the ski patrol community, Caltrans staff, manufacturer's representatives, avalanche blasting experts, Board staff and Division staff to develop a standard that provides the necessary safe practices, clarity and reasonable standards to benefit the employees, the ski industry and the public. The proposed consensus standard was developed by Board staff with the assistance of an advisory committee during two committee meetings convened on May 16 and May 31, 2006. In addition to the two advisory committee meetings, a December 1, 2005, meeting was convened in Truckee, California, by the Division and chaired by Board staff. The December 2005 meeting was attended by representatives from the California Ski Resort Association, ski resort avalanche blasting managers, ski patrollers (avalanche blasters), Caltrans staff, representatives from the offices of State Assemblyman Tim Leslie and State Senator Dave Cox, and Division and Board staff, in which the Petitioner's recommendations, the petition and rulemaking processes were discussed.

The proposed rulemaking consists of a comprehensive avalanche-blasting standard that adds new and amends existing sections in Article 121 regarding avalanche control blasting practices. The intent of this proposal is to provide clear performance standards for what currently are blasting activities that are generally outside the scope of blasting standards in the GISO. The proposal will provide avalanche control standards as an alternative to practices consistent with the general blasting standards in Group 18, for the abatement of avalanche danger.

Article 121. Snow Avalanche Blasting.

This proposal would add avalanche control blasting standards by adding new Sections 5349, 5350, 5351, 5352, 5353, 5354, 5355.1 and amending Sections 5355, 5356, 5357, and 5358. The proposal provides additional methods and processes associated with avalanche control blasting that are consistent with current industry wide practices and are based on principles of safe practices to protect the employee. The proposed amendments will provide a concise set of blasting standards specific to avalanche control.

Section 5349. Scope.

Existing Section 5355, titled "Scope" is proposed for transfer to new Section 5349, titled "Scope." The proposed new Section 5349 contains the scope of Article 121 as activities associated with avalanche control.

It is proposed to add the phrase "shall only pertain to avalanche control operations, and shall" to language in the new Section 5349, to be consistent with language in other scope sections in Title 8. This proposal will provide clarity as to the operations regulated by Article 121. The proposal is nonsubstantive, and therefore will have no effect on the regulated public as this proposal is editorial in nature.

Section 5350. Training.

Currently, Article 121 does not contain specific training requirements for employees involved in avalanche control blasting operations. The proposal adds a new Section 5350, titled "Training," mandating training for employees who are involved in avalanche blasting activities including the arming, transportation, and deployment of charges. These requirements are consistent with Section 3203 training requirements under the Injury and Illness Prevention Program.

The proposed new Section 5350 prescribes both classroom instruction and practical training for affected employees and requires competence and knowledge regarding explosives characteristics, assembling, arming, transportation, deployment and disarming of charges, work stoppage due to lightning storms and rescue procedures for avalanche control operations. The requirement to provide a copy of the snow avalanche blasting standards to the blasters ensures that they have the standard available for reference. Additionally, the proposal to require training for employees indirectly involved with avalanche control ensures that the employees have the necessary information on the issues related to working with high explosives for avalanche control. The proposal ensures that employees directly or indirectly involved with blasting develop the necessary knowledge and competence to safely perform their duties, and in the event of an emergency are able to participate appropriately with emergency operations and rescue.

Section 5351. Snow Avalanche Blasting Crew.

Currently, Article 121 does not contain specific requirements for avalanche blasting crews. The proposal adds a new Section 5351, titled "Snow Avalanche Blasting Crew" that mandates minimum organizational and qualification requirements for avalanche blasting crews.

Proposed new Section 5351 contains requirements addressing (1) supervision of the avalanche blasting crew by an avalanche control coordinator who is a licensed blaster, (2) use of a licensed blaster in charge to oversee the activities of blasting crews, (3) responsibilities of the blaster in charge, (4) minimum number of licensed blasters per blasting crew, physical and mental requirements for blasting crewmembers, (5) blasting crew communication and (6) line of sight to ensure awareness of the presence of blasting crew members. The proposed requirements would ensure the blasting crew is physically and mentally competent to perform its avalanche control duties safely which include, but are not limited to: transporting and deploying explosives, disarming explosives and implementing emergency operations.

Section 5352. Explosives.

Currently, Article 121 does not contain specific requirements for explosives used for avalanche blasting. The proposal adds a new Section 5352, titled "Explosives" that establishes minimum requirements for explosives used for avalanche blasting operations.

New Section 5352 would require that the explosives to be used in avalanche control must retain its properties for at least one season while in storage and when exposed to weather conditions routinely encountered during avalanche control operations. Proposed subsection (a) ensures that the explosives for avalanche blasting will remain viable and stable in storage. Proposed subsection (b) ensures that the explosives for avalanche blasting will remain viable and stable when exposed to low temperatures and moisture encountered during avalanche blasting operations. This language is consistent with that in Section 5241, requiring the use of explosives that will not freeze at temperatures that may reasonably be expected at avalanche prone sites.

Section 5353. Detonating Systems.

Currently, Section 5356 contains requirements for detonating systems that utilize safety fuses and fuse igniters during avalanche blasting. The proposal transfers these requirements from Section 5356 into a new Section 5353, titled "Detonating Systems." Additionally, the proposal adds comprehensive detonating system requirements used for avalanche blasting operations.

The proposed new standard would require appropriate detonating systems to be utilized for single and multiple unit handcharges. Additionally, the proposal sets

standards for procedures to be followed for the installation and use of the detonation systems. The proposal would ensure the hazards associated with faulty or inappropriate detonating systems are addressed.

Subsection (a) would require specific detonation systems for single hand placed or hand thrown charges and would ensure predictable performance and safety when deploying the handcharge.

Subsection (b) would require specific detonation systems for multiple charges and would ensure predictable performance and safety when deploying the multiple charges.

Subsection (c) would require the use of appropriately sized blasting caps and would ensure predictable performance, since a small cap may not be sufficient to detonate the charge.

Subsection (d) contains language currently found in Section 5356(a), (b), and (d) containing specific requirements for the safety fuse with the following amendments:

Subsection (d)(1) is transferred without change from Section 5356(a), requiring the use of water resistant safety fuse.

Subsection (d)(2) would require a determination of the safety fuse's burn rate and would prohibit the use of a fuse with an unpredictable burning rate. This proposal would ensure that the time from the lighting of the fuse to the detonation of the charge is predictable and would provide the blaster with an appropriate factor of safety when deploying charges.

Subsection (d)(3) would require a re-determination of the safety fuse's burn rate when using safety fuse that has been stored since its last burn rate determination. This proposal would ensure that any changes in the fuse's burn rate are taken into account in the determination of the fuse length.

Subsection (d)(4) would require posting the burn rate. This proposal would ensure the correct burn rate information is clearly communicated and used to determine the fuse length.

Subsection (d)(5) contains proposed language currently found in Section 5356(b), specifying a minimum burn time of 90 seconds from ignition to detonation.

Subsection (d)(6) contains proposed language transferred from current Section 5356(d). The proposed language would reiterate that the cut ends of the fuses must be protected from weather related damage and physical damage.

Subsection (d)(7) would prohibit the use of damaged fuse to ensure that a viable fuse is used to ignite the charge. Both proposed subsections (d)(6) and (d)(7) would ensure that the fuse used would provide predictable propagation and would provide the blaster with an appropriate factor of safety when deploying charges.

Subsection (e) would establish three requirements for assembling caps and fuses: (1) in a warm, dry and well-lighted environment, 2) in a location without flammable, combustible or explosive substances, and 3) using approved, appropriate crimping tools. This standard would ensure the quality and predictability of the capped fuses used, and consequently the safety of the blaster.

Subsection (f) would include specific fuse igniter requirements currently located in subsections 5356(c) and (e). The proposal contains the following changes from current language:

Subsection (f)(1), would modify language currently in Section 5356(c) by requiring the use of a “fuse igniter, designed for that purpose,” instead of an “approved fuse lighter.” This amendment is proposed because there are no “approved” fuse igniters, pursuant to Section 3206, that are currently available.

In the proposed subsection (f)(2), the term “fuse lighter” would be changed to “fuse igniter” to provide consistent terminology within the avalanche blasting standard.

Subsection (f)(3) contains language transferred from current Section 5356(e) with minor editorial, nonsubstantive changes.

The proposed subsection (g) contains eye protection requirements pursuant to Section 3382, for use when handling or using detonating systems or their components. This proposal would protect an employee’s sight from flying particles and sparks in the event a fuse cap, no-electric shock tube or detonation cord actuates, or when excessive sparking occurs during the burning of a fuse.

Section 5354. Storage of Explosives and Handcharges.

Currently, Article 121 does not contain specific requirements for the storage of explosives in the course of avalanche blasting operations. The proposal adds a new Section 5354, titled “Storage of Explosives and Handcharges” that establishes storage standards for explosive materials.

The proposed new Section 5354 mandates storage requirements for explosives used for avalanche control, referencing the general explosive standards. The proposed subsection (a), requiring explosives used in avalanche control to be stored in accordance with Article 114, would clarify that all applicable storage requirements in Article 114 apply to avalanche operations. Article 114 contains the general storage requirements including: 1) safety orders for storage facilities and containers, 2) quantity and distance requirements for locating storage facilities near other property improvements, and 3) the construction and use of storage magazines requirements.

The proposed subsection (b), mandating that explosive materials must be stored inside the manufacturers original shipping containers, ensures proper containment of the explosives in appropriate containers. It is a common practice to preassemble large quantities of the capped fuses in advance of blasting operations, resulting in explosive materials (capped fuse assemblies) unable to be stored in either the shipping containers of the caps or the bulk safety fuse. An exception is proposed in subsection (b) to allow fused caps and capped fuses to be stored inside a container with appropriate padding. The proposed storage standards, including the conditions for the exception, would ensure that explosive materials are stored in a safe and appropriate manner.

Section 5355. Arming Explosive Charges.

Currently, Section 5355 titled “Scope,” contains the scope of Article 121. The proposal transfers language regarding the scope from Section 5355 to Section 5349 and replaces it with standards for the arming of explosive charges used for avalanche control. Additionally, the proposal amends the section title to read, “Arming Explosive Charges.” Currently, Article 121 does not contain specific requirements for the arming of explosive charges.

The proposed new Section 5355 would add general arming requirements regarding the location and conditions under which arming of handcharges may take place and establish specific limits regarding arming operations inside buildings.

Subsection (a)(1) would require charges to be armed at the point of deployment or in a safe, dry location as close to the deployment site as possible. This proposal would provide an alternative to deployment site arming to limit the effect that environmental and site conditions have on the blasting operation.

Subsection (a)(2) would prohibit arming of handcharges inside occupied buildings to ensure that building occupants are not inadvertently exposed to explosive hazards associated with the arming of charges.

Subsection (a)(3) would allow charges to be armed at the bottom of the slope inside an arming room limiting the effect that environmental and site conditions have on the blasting operation. The proposal would allow the use of an arming room that can be readily cleared and made usable during and after snow storms where there is available snow removal equipment. This option would enhance the quality of arming the charges when otherwise the explosives would be armed in extreme weather conditions. Additionally, the proposal would address the dangers of arming explosives in extreme cold and high winds by limiting employee exposure to such conditions and would provide the employer with greater control over the logistics of the blasting operation by allowing options in arming procedures. The pro-

posed method to arm at the bottom of the slope would allow the arming of handcharges, snow removal for access, and the readying of the ski lift equipment to be carried out simultaneously. Significant time would be required for (1) snow removal at the bottom of the hill to gain access to the ski lift equipment, (2) transport of explosives components by crewmembers up the ski lift, and (3) clearing deep snow away from any arming structure at the top of the slope, before crewmembers can start the arming process at the top of the slope. This proposed subsection would provide two alternate methods of arming handcharges to ensure the blaster has the option of arming inside an arming room or other location in the event weather or site conditions make arming at the deployment site difficult or impossible.

Subsection (b) would provide a standard, identified as Method I, for the safe handling of explosives during the arming of handcharges at the site of deployment as follows:

Subsection (b)(1) would require the capped fuse to be inserted in the explosive charge at the deployment site.

Subsection (b)(2) would define the initiation system used in the arming process and assembly as recommended by the manufacturer to ensure that the components are used as designed.

Subsection (b)(3) would require caps to be attached to correct length fuses before being transported to control routes, would ensure that the capped fuses used to arm the charges would not be assembled at the deployment site, and would provide 90 second burn time from ignition to detonation.

Subsections (b)(4) and (5) would require the use of non-sparking tools to minimize the possibility of accidental detonation due to static electrical conductivity.

Subsection (b)(6) would require the disbursement of explosives to the different blasting crews to be done outside the storage magazine and require a record be kept pursuant to Section 5251(n). These requirements would reduce the chance of employee-initiated accidents within the storage magazine by minimizing and controlling employees entering the storage magazine. Additionally, this subsection would maintain a record of the amount of explosives stored and disbursed pursuant to Section 5351(n) to enable accurate tracking of the explosives used.

Subsection (b)(7) would prohibit fuse caps, capped fuses, armed charges and igniters to be inside the magazine where explosives are stored to reduce the possibility of accidental initiation of the stored explosives.

Subsection (c) provides a standard, referred to as Method II, for the safe handling of explosives during the arming of handcharges inside an arming room and incorporates the requirements of proposed subsection (b) in addition to the requirements in the proposed subsections (c)(1) through (4).

Subsection (c)(1) would prohibit the presence of explosive materials during the fuse and cap assembling process to minimize the probability of detonation of the explosives due to the accidental actuation of the primary explosive material inside the fuse caps.

Subsection (c)(2) would restrict the arming of explosives to immediately before the charges are distributed to the blasting crews to eliminate the need to store and maintain armed charges, minimizing both public and employee exposure to an accidental blast from the armed charge.

Subsection (c)(3) would require, after inserting the cap in the charge, lacing or taping of the capped fuse to the armed charge to ensure that the fuse is well secured to the explosives charge, reducing the probability of the fuse becoming dislodged from the explosive charge and misfiring.

Subsection (c)(4) would require the armed charges to be placed in an explosives box or avalanche blasting pack to ensure that the charges are appropriately contained and less susceptible to accidental detonation.

Section 5355.1. Arming Room.

Currently, Article 121 does not contain specific arming room requirements used in the course of avalanche control operations. The proposal adds a new Section 5355.1, titled, "Arming Room," that mandates arming room requirements specific to avalanche control blasting.

The proposed new Section 5355.1 establishes standards regarding the location, construction, use limits, and housekeeping requirements for arming rooms.

Subsection (a) would set standards as to where the arming room can be located with respect to occupied buildings or structures to ensure that during the arming process only essential personnel are present and prohibiting public and non-essential personnel presence exposure to explosives hazards during the arming process.

Subsection (b) would set standards as to how the arming room must be constructed to reduce conductivity of the floor and work table surfaces to prevent accidental detonation initiated by static electricity. Additionally, the "construction" requirement in subsection (b), to require the arming room to be well ventilated would prevent dampening and heating of explosive materials present and minimize airborne dust inside the arming room.

Subsection (c) would set restrictions when operating an arming room to minimize accidental detonation of explosive materials by prohibiting activities, fixtures, appliances, liquids or gasses, and tools that may produce a spark, excessive heat, open flame or primary explosion. Additionally, the restrictions would minimize accidental detonation caused by untrained employee or unauthorized person's actions. The restriction in sub-

section (c)(8), prohibiting the storing of explosive materials in the arming room, would eliminate public and employee exposure to improperly stored explosives. The exception to subsection (c)(8), allowing the storage of a maximum of 5,000 caps and capped fuses, would maintain consistency with the storage requirements in Section 5253.1, meeting the intent of the restrictions in subsection (c) because the stored caps and capped fuses would be secured in an approved storage magazine.

Subsection (d) would set housekeeping requirements for the arming room to prevent or minimize the explosives hazard posed by accumulation of explosive material debris and dust resulting from arming activities by requiring the arming room to be kept clean and orderly.

Section 5356. Transporting Explosives and Handcharges.

Currently, Section 5356 contains requirements for detonating systems that utilize safety fuse and fuse igniters during avalanche blasting. The proposal transfers the detonating system requirements from Section 5356 into a new Section 5353, titled "Detonating Systems." Article 121 does not contain specific transportation requirements used in the course of avalanche control operations. The proposal adds a new, comprehensive transportation standard specific to explosive materials used in avalanche blasting operations into Section 5356. The proposal amends the title of the new Section 5356 to read, "Transporting Explosives and Handcharges."

The proposed new Section 5356 establishes standards regarding the transportation of explosive materials including armed handcharges.

Subsection (a) would clarify to employers that the transportation of explosives via public roads and highways during avalanche control activities is subject to United States Department of Transportation (DOT) standards.

Subsection (b) would require that provisions be established to prevent the explosives from making contact with the hot exhaust system while transporting the explosives with a vehicle powered by an internal combustion engine to prevent explosives from being exposed to a source of ignition that could lead to accidental detonation.

Subsection (c) would provide an option of transporting the armed explosive charges (armed at the bottom of the ski slope pursuant to Section 5355) via a ski lift to the top of the ski slope for deployment. Restrictions in proposed subsections (c)(1) through (5) would limit employee exposure to accidental detonation.

Subsection (c)(1) would limit riding a ski lift to transport charges and explosives to only the lift operators and deployment crews to limit the exposure to explo-

sives only to essential personnel directly involved with avalanche control blasting.

Subsection (c)(2) would prohibit the carrying of more than two persons and 90 pounds of explosives per lift chair to limit exposure to explosives and the potential blast zone produced by explosives in the event of an accidental detonation.

Subsection (c)(3) would require separating blasting crews from one another while transporting armed charges on the ski lift by a minimum of 300 feet to limit the crews' exposure to a possible accidental explosion of the explosives carried by another blasting crew also on the ski lift.

Subsection (c)(4) would require direct communication between the lift operator and avalanche crews on the lift at all times to ensure the ability to coordinate, control and provide incident notification during the transportation of explosives.

Subsection (c)(5) would prohibit the ski lift and the slopes to be used by the public and nonessential personnel until blasting is completed to limit exposure to explosives and controlled avalanches during avalanche blasting operations.

Subsection (d) would establish container requirements for use during the transportation of explosive materials to prevent explosive materials from being accidentally detonated as a result of exposure to physical force or static electricity.

The exception to subsection (d) would allow fuse caps and capped fuses to be transported using "padded shields or equivalent" to protect the sensitive fuse caps from accidental detonation, because the original shipping containers for fuse caps are extremely bulky.

Subsection (e) would establish standards for the construction of avalanche blasting packs, which are commonly used to transport handcharges on the backs of the blasters when skiing to the deployment site.

Subsection (e)(1) would require the avalanche blasting pack to be constructed or treated to be water resistant, non-sparking and non-conductive to ensure explosive materials carried in the pack are protected from exposure to moisture or static electrical charge.

Subsection (e)(2) would require that the avalanche packs are constructed with enough compartments to ensure that handcharges, explosive materials, and tools are appropriately separated to prevent the accidental actuation of any of the charges' components.

Subsection (e)(3) would require means to independently close each of the avalanche blasting pack's compartments to avoid weather exposure or loss of explosive components.

Subsection (f) would establish standards regarding the use and repair of avalanche blasting packs used for transportation of explosives.

Subsection (f)(1) would require routine inspection of avalanche blasting packs to ensure proper containment of the explosive materials and tools when carried in the pack.

Subsection (f)(2) would prohibit tools and other materials to be placed in any blasting pack compartment to ensure that the tools and other materials do not make contact with explosive charges in the avalanche blasting pack that could lead to the accidental detonation of the explosive materials.

Subsection (f)(3) would require fuse igniters to be carried in a container or pouch completely separate from the avalanche blasting containing explosive materials to prevent the primary explosive material in the igniter from accidentally detonating the explosive materials carried in the pack.

Subsection (f)(4) would prohibit handcharges or explosive components to be left unattended in an avalanche blasting pack to ensure that the explosive materials will be managed properly and not expose anyone to the hazard posed by improperly stored explosives.

Subsection (f)(5) would limit the amount of weight of explosive materials carried by the crewmember to no more than forty-five pounds to prevent the blaster from carrying too great a load and limit the blast zone.

Section 5357. Snow Avalanche Control Blasting.

Currently, Section 5357, titled "Placing Explosives Charges," contains requirements for placing explosive charges during avalanche blasting. The proposal would change the title to read, "Snow Avalanche Control Blasting," and editorially amend the current language, and add standards that regulate the final step of deploying the explosive charges to the target area.

The proposed Section 5357 contains general requirements and specific operational sections that regulate: 1) the deployment of hand charges, 2) the deployment of charges from ski lifts, 3) the deployment of charges from helicopters, 4) the deployment of charges from avalauncher/launchers, and 5) requirements for other types of remote control devices that may be used in the course of avalanche control operations.

Subsection (a) contains the general requirements for avalanche control blasting.

Subsection (a)(1) would require that all avalanche blasting operations are supervised by a competent, licensed blaster, certified by the Division to ensure the proper and safe utilization of the explosive materials.

Subsection (a)(2) would require the slopes and areas affected by the blasting operation to be cleared of the public and nonessential personnel before blasting operations commence, until the blasting operation is com-

pleted to prevent injury or death due to accidental entrapment in a controlled avalanche.

Subsection (a)(3) would require at least one inch to be cut from the fuse end before attaching the igniter to minimize the possibility of the misfiring of charges due to a wet and fouled fuse end.

Subsection (a)(4) contains language currently found in subsection (a), which is transferred with clarifying nonsubstantive changes to ensure that the blasters are in a safe position when deploying charges. In addition, the section would specifically identify methods of deployment to include deployment from a ski lift, helicopter, avalauncher and other remote control devices accepted by the Division.

Subsection (a)(5) would prohibit routine nighttime deployment of charges to enhance safety by optimizing the blaster's ability to see the target area, protective barriers, terrain hazards and other blasting crewmembers. The proposal would allow emergency, nighttime avalanche blasting operations, which would protect the public.

Subsection (b) addresses the hand deployment of charges and contains both existing language currently found in subsections (a) and (b) and additional provisions specified as follows:

Subsection (b)(1) would limit the blaster to work with one handcharge at a time to ensure the safety of the blaster and the blasting crewmembers.

Subsections (b)(2) and (3) contain language currently found in subsections (a)(2) and (1) respectively, and are relocated with clarifying, nonsubstantive changes.

Subsection (b)(4) would establish requirements that must be considered before attaching the igniter to ensure the safety of crewmembers and other personnel in the effected area.

Subsection (b)(5) would require that the blaster throw the handcharge within 20 seconds after sliding the igniter on the fuse to ensure a sufficient safety factor when lighting the fuse. The proposed 20-second deployment requirement safety factor takes into account the remote possibility the fuse igniter malfunctions and ignites the fuse by merely sliding onto the fuse. It also provides the blaster with the appropriate factor of safety.

Subsection (b)(6), containing language currently found in subsection (b), has clarifying changes to meet the intent of the current standard.

Subsection (b)(7) would require unused handcharges to be deployed or disarmed at the end of the route to eliminate the hazard posed by armed charges when they are no longer needed.

An exception is proposed to subsection (b)(7) that would allow armed charges to be deployed to other routes at the completion of one route rather than having

to disarm, then immediately rearm the charge at the other avalanche control route.

New subsection (c) would set standards for the deployment of charges from ski lifts or trams to minimize the blasters' and ski lift operators' exposure to unique hazards posed by ski lift deployment and to ensure that the ski lift operators are aware of the blasting operation and are able to provide communication with the blasting crew. In the event of a blasting accident, the operators are able to carry out emergency ski lift operation and evacuation procedures to aid in the blasting crew recovery and medical evacuation operations. Subsection (c) would ensure safe blasting practices that minimize the hazards to the blasting crew and prevent damaging the ski lift equipment.

New subsection (d) addresses the deployment of charges from helicopters.

Subsection (d)(1) would require helicopter based blasting operations to be in compliance with helicopter operation requirements outlined in Article 35 of the Construction Safety Orders to ensure the safe operation of the helicopter used for avalanche control.

Subsection (d)(2) would require that the avalanche blasting operation is carried out by a licensed blaster to ensure public and employee safety during the blasting operation.

Subsection (d)(3) would require the development of a written safety plan before blasting activities to ensure that they are planned and organized to minimize the hazards to the blasting crews and the public, as well as minimizes the probability of damage to helicopter and ground based property.

Subsection (d)(4) would require compliance of the written safety plan and that the plan be provided to the Division as specified to ensure appropriate preplanning of the blasting operation and the enforceability of the helicopter operation by requiring that the safety plan be provided to the Division as formal notification of intent to conduct a helicopter based avalanche blasting operation.

New subsection (e) addresses the deployment of charges using avalaunchers and launchers.

Subsections (e)(1) through (3) would require supervision by a licensed blaster, permit only trained and authorized personnel, and a specified crew size to ensure a safe and effective avalauncher operation protecting both the public and the employees from exposure to the hazards posed by the unsafe operation of avalauncher/launcher equipment.

Subsections (e)(4) through (9) would regulate the use, installation, inspections, maintenance, and operation of the launcher and projectiles, including requiring compliance with manufacturer's recommendations. These subsections are designed to ensure the proper

functioning of the equipment and the safe management of the projectiles.

Subsections (e)(10) and (11) would require accountability and record keeping of the misfires and their location to enhance the recovery of misfired projectiles.

Subsection (e)(12) would prohibit persons inside the target zone when firing the launcher to protect employees from exposure to avalauncher projectile charges.

Subsection (e)(13) would require the equipment to be placed in a nonfunctioning condition or locked to prevent unauthorized use of the avalauncher equipment.

Section 5358. Management of Misfires.

Currently, Section 5358, titled, "Misfires — Snow Avalanche Blasting," contains requirements to address when a misfire occurs. The proposal changes the Section 5358 title to read, "Management of Misfires," amends current language both editorially and substantively, and proposes additional standards including methods of disarming.

The proposed Section 5358 would require that explosives be disarmed or rendered harmless in accordance with specified methods as follows:

New subsection (a) would require the blaster to record whether or not the deployed charge detonated to ensure that a record is maintained of deployed charges that have misfired to aid with future recovery of the misfired explosives and track misfire frequencies.

New subsection (b) would require misfires to be recovered where possible to minimize public and employee exposure to unexploded high explosive materials remaining on the slopes and mountain terrain after avalanche control activities.

Subsection (c) contains language currently found in subsection (a), which has clarifying and substantive changes in strikeout/underline format. The proposed subsection (c) would amend the time period from one hour to 30 minutes that the slope must remain closed when a suspected misfire occurs and before a licensed blaster may approach the misfired charge to improve the recovery rate of the misfires and minimize public and employee exposure to high explosive materials remaining on the slopes and mountain terrain.

The proposal would delete current subsection (a)(1) as an option to remediate the misfire. This is necessary because of the hazard posed by the unreliable detonating system of the misfired charge.

Proposed subsections (c)(1), (c)(2), and (c)(3) contain language currently in subsections (a)(2) and (3), with new language in subsection (c)(1), allowing the practice of re-priming or re-arming the misfire. Non-substantive changes are proposed in subsection (c)(2), and substantive changes in proposed subsection (c)(3).

Proposed subsection (c)(1) would provide the option of re-priming or re-arming the misfired charge and detonating the misfire. The proposal would provide an additional, safe method to remediate the hazard posed by the unpredictable misfired charge.

Proposed subsection (c)(2) would require that after 30 minutes has elapsed from the time of the original deployment of a handcharge without a detonation (misfire), another handcharge shall be placed alongside the misfired charge and detonated.

The proposal is necessary to ensure that unexploded handcharges would not be discovered later by unauthorized personnel and/or the general public subjecting them to the risk of serious injury or death as a result of deliberate or inadvertent detonation.

Proposed subsection (c)(3) would retain the option to retrieve and disarm misfired handcharges and add a separate requirement for disarming the avalauncher/launcher charges in accordance with manufacturer's recommendations and instructions. It is necessary because each manufacturer has its own unique recommendations and instructions to be followed. The proposed subsection (c) language clearly identifies the proper methods available to the blaster to eliminate the hazard posed by an armed charge that has misfired.

New subsection (d) includes nonsubstantive editorial changes from the existing subsection (b) dealing with misfires described in existing subsection (a) in the event the terrain or weather conditions preclude their use. Amendments are proposed to re-letter existing subsection (b) as new subsection (d) and re-identify (a)(1), (a)(2), and (a)(3) as (c)(1), (c)(2), and (c)(3). The proposed amendments are in part editorial and consistent with other proposed alphanumeric amendments in Section 5358 and deletion of permissive language consistent with Title 8 syntax.

The proposed amendments are necessary to reflect the reorganization of the provisions in the proposal.

The proposed new subsection (e) would require the searchers of misfires to use proper mountaineering techniques to traverse the mountain terrain to address the environmental hazards avalanche blasting crews are exposed to, including dangers posed by avalanche prone slopes, icy surfaces, fissures, etc.

The proposed new subsection (f) would require at least an one-hour waiting period before a misfired charge that has ceased emitting flames or smoke can be approached to address the hazards associated with such misfires and provide sufficient time for the unpredictable misfire condition to abate.

The proposed new subsection (g) would prohibit the relighting of a charge that does not light at a first attempt and provide for redeployment or disarming. The proposal, allowing immediate disarming before deployment, would eliminate the need to recover the misfire at

a later time and the possibility of losing the misfire on the slope. The proposal to disarm the deployed charge is currently allowed under subsection (a)(3) and in the proposed subsection (c)(2).

The proposed new subsection (h), establishes a safe disarming method for handcharges suspected of not lighting by requiring a maximum time limit of 20 seconds from the time the igniter has been installed on the fuse, and before they are deployed. The proposal would maintain the minimum safety factor of 4.5 when igniting the safety fuse with a fuse length of a minimum 90-second burn time.

The proposed new subsection (i) would require that a specific record be maintained to track the status of misfired charges and aid in the recovery and provide accountability for the lost charges.

Proposed new subsection (j) would require posting of warning signs and instructions that notify individuals entering the affected areas that un-detonated charges may be encountered and what to do when such charges are found. The posting requirement would address public and employee hazards posed by unexploded charges by providing the appropriate information regarding the safe and correct action to take.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

This proposal provides an alternative method to current standards without prohibiting or restricting use of current methods of avalanche control blasting. Therefore, this rulemaking is anticipated to provide a positive impact on California businesses by including the proposed processes and procedures in the General Industry Safety Orders that are currently industry accepted practices and recommended by the regulated public to be included.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the

State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated because the proposed changes provide an alternative method to current standards without prohibiting or restricting use of current methods of avalanche blasting.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than February 9, 2007. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on February 15, 2007, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through

Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umamoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 08. DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF WORKERS' COMPENSATION

NOTICE OF PROPOSED RULEMAKING AND INFORMATIVE DIGEST

Subject Matter of Regulations: Official Medical Fee Schedule — Physician Services

NOTICE IS HEREBY GIVEN that the Administrative Director of the Division of Workers' Compensation (hereinafter "Administrative Director"), exercising the authority vested in the Administrative Director by Labor Code sections 59, 133, 4603.5, 5307.1, and 5307.3, proposes to adopt the proposed regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department of Industrial Relations, Division of Workers' Compensation ("DWC"), proposes to amend Article 5.3 of Chapter 4.5, Subchapter 1, of Title 8, California Code of Regulations, Section 9789.11:

Amend Section 9789.11 Physician Services
Rendered on or after July 1, 2004

TIME AND PLACE OF PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements

or arguments, either orally or in writing, with respect to the subjects noted above. The hearing will be held at the following time and place:

Date: **January 24, 2007**

Time: **10:00 a.m. to 5:00 pm or conclusion of business**

Place: **Junipero Serra State Building,
Auditorium
320 West 4th Street
Los Angeles, CA 90013**

The State Office Building and its Auditorium are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or any other type of reasonable accommodation to facilitate effective communication and program access for persons with disabilities, are available upon request. Please contact the Statewide Disability Accommodation Coordinator at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation or 5:00 p.m., whichever is earlier. If public comment concludes before the noon recess, no afternoon session will be held.

The Administrative Director requests, but does not require, that any persons who make oral comments at the hearing also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in the Administrative Director by Labor Code sections 59, 133, 4603.5, 5307.1, and 5307.3.

Reference is to Labor Code Sections 4600, 4603.2, and 5307.1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment, Labor Code section 5307.1 requires the Administrative Director to adopt an official medical fee schedule that establishes maximum fees paid for

medical services under the workers' compensation system.

Existing law, commencing January 1, 2004, required the then existing physician fee schedule, which is a part of the Official Medical Fee Schedule (OMFS), to remain in effect, but that all fees should be reduced by five percent unless the fee for a procedure was already at or below 2003 Medicare fee levels for the procedure.

Existing law, commencing January 1, 2004, provided that after January 1, 2006, the Administrative Director was to adopt and biennially revise the physician fee schedule. This regulatory change is the first revision to the physician fee schedule since January 1, 2006.

This proposed regulatory change implements, interprets, and makes specific Sections 4600, 4603.2, and 5307.1 of the Labor Code as follows:

Section 9789.11. Physician Services Rendered on or after July 1, 2004

This section sets forth the maximum reasonable fees for physician services.

(c) This subdivision incorporates by Reference different versions of Table A, "OMFS Physician Services Fees for Services," for different periods of time. The Tables A establish the maximum reasonable fees for physician services.

(c)(4) This paragraph of subdivision (c) states that the Table A may be obtained from the Division of Workers Compensation. It is changed to include that Addenda to Table A may also be obtained.

(f) This new subdivision provides that for physician services rendered on or after February 15, 2007, the maximum allowable reimbursement amounts for procedure codes 99201 through 99205 and codes 99211 through 99215 are set forth in the February, 2007 Addendum to Table A, "OMFS Physician Services Fees for Services Rendered on or after February 1, 2007." It also incorporates this addendum by reference.

Addendum to Table A: This new addendum to the Table A actually sets forth the maximum reasonable reimbursement amounts for services rendered on or after February 15, 2007, for procedure codes 99201 through 99205 and codes 99211 through 99215.

Procedure code 99201 is increased to 39.90, a 2.1 percent increase.

Procedure code 99202 is increased to 70.19, a 21.4 percent increase.

Procedure code 99203 is increased to 103.86, a 35.8 percent increase.

Procedure code 99204 is increased to 146.12, a 33.3 percent increase.

Procedure code 99205 is increased to 186.73, a 28.5 percent increase.

Procedure code 99211 is increased to 23.81, a 0.04 percent increase.

Procedure code 99212 is increased to 42.02, a 17.7 percent increase.

Procedure code 99213 is increased to 56.93, a 19.6 percent increase.

Procedure code 99214 is increased to 89.57, a 24.0 percent increase.

Procedure code 99215 is increased to 129.41, a 17.1 percent increase.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

CONSIDERATION OF ALTERNATIVES

The Administrative Director invites interested persons to present reasonable alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION / INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulation have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below or a copy will be provided upon written request.

In addition, this Notice, the Initial Statement of Reasons, and the text of regulation and Table A may be accessed and downloaded from the Department of Industrial Relations' Internet site at www.dir.ca.gov under the heading "Rulemaking—proposed regulations." Any subsequent changes in regulation text and the Final Statement of Reasons will be available at that Internet site when made.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS, USE OF PHOTOGRAPHY AT HEARING, AND DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS

Members of the public are invited to present oral and/or written statements, arguments or evidence at the public hearing. If you provide a written comment, it will not be necessary to present your comment as oral testimony at the public hearing. To provide everyone a chance to speak, public testimony will be limited to 10 minutes per speaker and should be specific to the proposed regulations. Testimony which would exceed 10 minutes may be submitted in writing. In order to ensure unimpeded access for disabled individuals wishing to present comments and to facilitate the accurate transcription

of public comments, camera usage will be allowed in only one area of the hearing room.

Any person may submit written comments on the proposed regulation to the DWC contact person:

Ms. Maureen Gray
Regulations Coordinator
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

Written comments may also be submitted by facsimile transmission (FAX), addressed to the contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail), using the following e-mail address: dwcrules@hq.dir.ca.gov

Unless submitted prior to or at the public hearing, all written comments must be received by the agency contact person, no later than 5:00 p.m. on January 24, 2007. Equal weight will be accorded to oral and written materials.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

Due to the inherent risks of non-delivery by facsimile transmission and email transmission, the Administrative Director suggests, but does not require, that a copy of any comments transmitted by facsimile transmission or email transmission also be submitted by regular mail.

Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

AVAILABILITY OF RULEMAKING FILE AND LOCATION WHERE RULEMAKING FILE MAY BE INSPECTED

Any interested person may inspect a copy or direct questions about the proposed regulation, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file.

The rulemaking file, including the Initial Statement of Reasons, the complete text of the proposed regulation and any documents relied upon in this rulemaking may be inspected during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, excluding public holidays) at the following location:

Division of Workers' Compensation
1515 Clay Street, 17th Floor
Oakland, California 94612

AVAILABILITY OF RULEMAKING DOCUMENTS ON THE INTERNET

Documents concerning this proceeding are available on the Division's website: www.dir.ca.gov. To access them, click on the "Rulemaking — proposed regulations" link, then click on the "Division of Workers' Compensation regulations" link and scroll down the list of rulemaking proceedings to find the rulemaking link, "Official medical fee schedule — pharmaceuticals."

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulation, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be directed to the contact person. The contact person is:

Ms. Maureen Gray
Regulations Coordinator
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

The telephone number of the contact person is (510) 286-7100.

BACK-UP CONTACT PERSON/CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

To obtain responses to questions regarding the substance of the proposed regulation, or in the event the contact person is unavailable, inquiries should be directed to: Richard Starkeson, Counsel, at the same address and telephone number as noted above for the contact person.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the Division's website: www.dir.ca.gov by following the directions provided above.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the regulation will appear in Title 8, California Code of Regulations, commencing with section 9789.11.

TITLE 11. DEPARTMENT OF JUSTICE

NOTICE IS HEREBY GIVEN that the Department of Justice (DOJ) proposes to amend as permanent regulations its existing regulations relating to the Attorney General's supervision of charitable organizations pursuant to Government Code section 12580 et seq. (The Supervision of Trustees and Fundraisers for Charitable Purposes Act.)

PUBLIC COMMENT PERIOD

DOJ will accept written comments presenting statements, arguments or contentions relevant to the proposed regulations for a period of 45 days from the date of publication of this Notice of Proposed Action. DOJ will not consider any comments which are not received by 5 p.m. on February 12, 2007. No later than 15 days prior to the close of this written comment period, any interested person or his or her duly authorized representative may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Written comments or requests for a public hearing should be addressed to Deputy Attorney General Karen Denvir, Department of Justice, Office of the Attorney General, P.O. Box 944255, Sacramento, California, 94244-2550.

AUTHORITY AND REFERENCE

The proposed regulations amend section 300 of Title 11 of the California Code of Regulations, pursuant to the authority of Government Code section 12587, which specifically authorizes DOJ to adopt regulations necessary for administration of The Supervision of Trustees and Fundraisers for Charitable Purposes Act. The regulations help to clarify and implement Government Code section 12585.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code section 12580 et seq, which became effective in 1959, and was amended in 1998, provides DOJ with enforcement and supervisory powers over all charitable corporations and trustees holding property for charitable purposes, commercial fundraisers for charitable purposes, fundraising counsel for charitable purposes, and commercial coventurers.

The proposed amendments modify the existing regulations by requiring certain information and documents from a charitable organization when it initially applies for registration with the Registry of Charitable Trusts.

DISCLOSURES REGARDING THE REGULATIONS

Fiscal Impact on Public Agencies: None.

Mandate and cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings to any state agency: None

Cost or savings in federal funding to the state: None.

Cost impact on private persons or directly affected businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant statewide adverse economic effect directly affecting business including the ability of California businesses to compete with businesses in other States: None

Effect on small businesses: The Department is not aware of any cost impacts that a small business would necessarily incur in reasonable compliance with the proposed action. The regulations will merely require submission of documents already in the possession of the registering entity.

Significant effect on housing costs: None.

In accordance with Government Code Section 11346.3, DOJ has assessed whether and to what extent adoption of the regulations will affect the following:

- (a) The creation or elimination of jobs within the State of California: None.
- (b) The creation of new businesses or the elimination or expansion of existing businesses within the State of California: None.

STATEMENT OF REASONS AND INFORMATION

DOJ has prepared an initial statement of the reasons for the proposed action and has available all of the information upon which the proposal is based.

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

Copies of the exact language of the amendments and additions to the regulations, the initial statement of reasons and other information, if any, may be obtained upon request from the Department of Justice, Office of the Attorney General, 1300 I Street, Room 1130, Sacramento, CA 94244-2550, or by telephoning the contact person listed below.

CONTACT PERSON

General or substantive inquiries concerning the regulatory actions should be directed to Deputy Attorney General Karen Denvir at the above address or at (916) 323-6665. The backup contact person to whom general inquiries may be directed is Sandy Blazak, Associate Governmental Program Analyst, who may be contacted at the above address or at (916) 327-7882. The backup contact person to whom substantive inquiries may be directed is Supervising Deputy Attorney General Kelvin Gong who may be contacted at 455 Golden Gate Avenue, Suite 11000, San Francisco, California, 94102-7004 or at (415) 703-5510.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

Interested persons are invited to submit written comments on the adoption of the regulations. A public comment period is provided from December 29, 2006 through February 12, 2007. Filing of written statements will be accepted at the Department of Justice, Office of the Attorney General (Attention: Karen Denvir, Deputy Attorney General), 1300 I Street, Room 1130, Sacramento, CA 94244-2550, until the close of business 5:00 p.m. on February 12, 2007. DOJ will not consider written comments received after February 12, 2007.

PROPOSED REVISIONS, FINAL ADOPTION OF REGULATIONS

Following the close of the written comment period, DOJ may adopt, as final, the regulations as described in this Notice and Informative Digest. Copies of the regulations, as finally adopted, will be sent to all persons who have requested copies by filing a written request with the contact person identified above. If, as a result of written public comment, significant or substantial changes to the proposed regulations are deemed appropriate, copies of the proposed changes will be sent to all persons who previously requested copies, all persons who submitted written comments during the comment period, all persons who submitted written or oral comments during the hearing, and those who have requested copies of information regarding the regulations.

Thereafter, DOJ will accept written comments, arguments, evidence and the like for a period of 15 days after the date upon which changes were made available. If adopted, the regulations will appear in the California Code of Regulations, Title 11, Division 1, Chapter 15, section 300.

DOJ must determine that no reasonable alternative considered by it or that has otherwise been identified or brought to the attention of DOJ would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF MATERIALS ON THE INTERNET

The Notice of Proposed Action, the Initial Statement of Reasons, the Final Statement of Reasons, the text of the proposed regulations, the date a rulemaking action is filed with the Secretary of State, and the effective date of the rulemaking action will all be posted on, and may be downloaded from, the website of the Charitable Trusts Section of the Office of the Attorney General in DOJ (<http://ag.ca.gov/charities>).

TITLE 16. BOARD OF BEHAVIORAL SCIENCES

DEPARTMENT OF CONSUMER AFFAIRS BOARD OF BEHAVIORAL SCIENCES NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Mission Inn, 3649 Mission Inn Avenue, Riverside, CA 92501** on **February 15, 2007** at **1:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **February 14, 2007** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.54, 4980.60, 4990.14, and 4996.22 of the Business and Professions Code, and to

implement, interpret, or make specific Sections 29, 32, 4980.54, and 4996.22 of the Business and Professions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1887.2 — Exceptions From Continuing Education Requirements

Amend Section 1887.3 — Continuing Education Course Requirements

The Board governs the practice of marriage and family therapy, licensed clinical social work, and licensed educational psychology. In order to continuously improve the competence of licensed professionals, the aforementioned statutes require that licensees accrue continuing education (CE) hours during each license renewal period. Section 1887.3 sets forth the specific requirements with respect to the CE hours, course content, etc., while Section 1887.2 sets forth exceptions from the standard CE requirements.

With respect to the context of this proposal, Section 1887.2(a) requires that an initial licensee complete at least eighteen (18) hours of continuing education (CE) prior to his or her first license renewal, of which no more than six (6) hours may be earned through self-study courses. Section 1887.3(a) requires that a licensee complete at least thirty-six (36) hours of CE during each subsequent license renewal period, of which no more than twelve (12) hours may be earned through self-study courses. This proposal would change the maximum hour limitations, with respect to CE hours earned through self-study courses, to nine (9) and eighteen (18), respectively.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses. This proposal would allow licensees to earn additional hours of CE credit through self-study courses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file,

which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Contact Person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Justin Sotelo
 Address: Board of Behavioral Sciences
 1625 North Market Blvd, Suite S200
 Sacramento CA 95834
 Telephone: 916-574-7836
 Fax: 916-574-8625
 Email: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Christy Berger
 Address: Board of Behavioral Sciences
 1625 North Market Blvd, Suite S200
 Sacramento CA 95834
 Telephone: 916-574-7837
 Fax: 916-574-8625
 Email: Christy_Berger@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (Board) is proposing to take the action described in the Informative Digest. No public hearing has been scheduled on the proposed action. However, any interested person or such person's duly authorized representative may request, no later than 15 days prior to the end of the written comment period, a public hearing pursuant to Section 11346.8 of the Administrative Procedure Act. Any person may present statements or arguments in writing relevant to the action proposed. Written comments must be received by the Board of Chiropractic Examiners at 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833-2931, or by fax at 916/263-5369, or by e-mail addressed to mhamilton@chiro.ca.gov no later than 5:00 p.m. on February 12, 2007. The Board of Chiropractic Examiners, upon its own motion or at the instance of any interested

party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] and to implement, interpret or make specific Section 5 of the Chiropractic Initiative Act [Section 1000-5 of the Business and Professions Code], the Board of Chiropractic Examiners is considering changes to Division 4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Repeal Section 356.1. Cardiopulmonary Resuscitation/Basic Life Support Training. Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] gives the Board the responsibility for implementing regulations they deem necessary for the performance of its work in order to maintain a high standard of professional services and the protection of the public.

Section 356.1 requires Doctors of Chiropractic to maintain certification of Cardiopulmonary Resuscitation/Basic Life Support from the American Heart Association, American Red Cross or other association approved by the Board. This unnecessary regulatory intervention has not been shown to have a positive impact on the level of care by licensed Doctors of Chiropractic since it took effect in November 2003. Following a review of other health boards in California, it was concluded that the Medical Board, Board of Podiatric Medicine, and the Board of Optometry had repealed their CPR requirement. Furthermore, the Board is not authorized to and lacks the expertise in approving "associations" to provide CPR or BLS training.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: Because the proposed amendment is directed at individual licensees, the Board has determined that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board of Chiropractic Examiners has determined that this regulatory proposal will not affect the creation or elimination of jobs, the creation of new businesses or the elimination of existing business, or the expansion of businesses currently doing business, within the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in complying with the proposed amendment.

Housing Costs: The Board has made an initial determination that the proposed regulatory action will not affect housing costs.

Small Business Impact: The proposed amendment will not affect small businesses. The proposed action affects only licensing requirements of individual licensees.

CONSIDERATION OF ALTERNATIVES

The Board of Chiropractic Examiners must determine that no alternative which it considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments in writing relevant to the above determinations at the above-mentioned address.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Chiropractic Examiners has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

FEDERAL LAW

The proposed amendments do not duplicate or conflict with any federal law.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from:

Board of Chiropractic Examiners
Michael Hamilton, Regulations Coordinator
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833-2931

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at the above address.

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, and the initial statement of reasons.

CONTACT PERSON

Inquiries concerning the proposed administrative action and inquiries regarding the substance of the proposed regulation may be addressed to Michael Hamilton at the above address or at 916/263-5355. An alternative contact for information regarding the proposed amendment is Catherine Hayes at the above address or at 916/263-5355.

When prepared, copies of the final statement of reasons will be available from the contacts listed above.

INTERNET ACCESS OF DOCUMENTS

Copies of the documents referred to in this notice are available via Internet at www.chiro.ca.gov.

TITLE 20. CALIFORNIA ENERGY COMMISSION

FOR ADOPTION OF REVISIONS & AMENDMENTS TO THE ENERGY COMMISSION'S RULES OF PRACTICE AND PROCEDURE & POWER PLANT SITE CERTIFICATION REGULATIONS

Docket No. 04-SIT-2

December 2006

The California Energy Commission ("Commission") proposes to revise and amend its regulations for Applications for Certification in Title 20, California Code

of Regulations. The proposed revisions and amendments are authorized by sections 25213, 25218(e), 25539, and 25541.5 of the Public Resources Code. These regulations would implement, interpret, and make specific various sections of the Warren–Alquist Act (Public Resources Code, section 25000, et seq.) and one section of the California Environmental Quality Act. (Public Resources Code, section 21000 et seq.).

The Energy Commission staff distributed initial proposed changes to its regulations for public comment and discussion at workshops on September 20 and November 13, 2006. Based on the public comment received in writing on October 16, 2006, and at the workshops, several of the originally–proposed amendments have changed substantially, and are now essentially clarifications of existing practice.

NOTICE THAT PUBLIC HEARINGS ARE SCHEDULED AS FOLLOWS

Siting Committee Hearing, on January 17, 2007, beginning at 1:00 p.m.
California Energy Commission Hearing, on February 14, 2007, beginning at 10:00 a.m.
California Energy Commission
Hearing Room A
(Wheelchair–accessible)
1516 9th Street
Sacramento, CA 95814

ORAL AND WRITTEN STATEMENTS

Interested persons wishing to address the Commission about the proposed amendments either oral or in writing, must submit written comments to the Commission on or prior to February 12, 2007, by mailing them to:

Docket Unit
California Energy Commission
Docket No. 04–SIT–2
1516 9th Street, MS–4
Sacramento, CA 95814
Or e–mailing them to:
DOCKET@energy.state.ca.us

All comments must be identified with “**Docket No. 04–SIT–2.**” Oral or written comments will also be accepted during the Final Hearing.

COPIES OF THE INITIAL STATEMENT OF REASONS AND THE TEXT

The Commission has prepared an Initial Statement of Reasons for the proposed regulations. To obtain a copy of the Initial Statement of Reasons or the express terms of the proposed amendments, please contact James W. Reede, Jr., Ed.D. at (916) 653–1245 or by e–mail at jreede@energy.state.ca.us. Additionally, the Commission has available all the information upon which the proposed regulations are based; to obtain copies, please send a request to the Docket Unit at the above address or call (916) 654–5076.

INTERNET ACCESS

The Initial Statement of Reasons and the text can be viewed on the Commission’s website at the following address: <http://www.energy.ca.gov/siting/rulemaking/>.

COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons by contacting James W. Reede, Jr., Ed.D. at (916) 653–1245 or by e–mail at jreede@energy.state.ca.us.

POSSIBLE CHANGES

If the Commission considers changes to the proposed regulations pursuant to Government Code section 11346.8, and the changes are sufficiently related to the original text and within the scope of this Notice, a full copy of the text will be available for review at least 15 days prior to the date on which the Commission adopts or amends the resulting regulations.

PUBLIC ADVISER

The Commission’s Public Adviser’s Office is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser’s Office, please call (916) 654–4489 or toll–free in California at (800) 822–6228.

CONTACT PERSONS

Inquiries concerning all aspects of the amendment process, including the substance of the proposed regulations, should be directed to James W. Reede, Jr., Ed.D. at (916) 653–1245 or by e–mail at jreede@energy.state.ca.us. Inquiries can also be directed to Ms. Kerry Willis, Sr. Staff Counsel, who can

be reached at (916) 654-3967 or by email at kwillis@energy.state.ca.us.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Warren-Alquist State Energy Resources Conservation and Development Act (Public Resources Code Section 25000 et seq.) created the Commission and vested it with a wide range of duties and responsibilities related to the development and conservation of energy resources in California. Included in the Commission's responsibilities is ensuring sufficient electricity to meet California's needs through the siting of thermal electric generating facilities of 50 megawatts (MW) or greater generating capacity.

The proposed amendments would clarify and update the siting process to ensure that these responsibilities are carried out. The specific changes are contained in the ISOR and can be viewed on the Commission's website at the following address: <http://www.energy.ca.gov/siting/rulemaking/>.

SMALL BUSINESS IMPACTS

The Commission concludes that the proposed regulations would not affect small business. The proposed regulations would be purely procedural and timing clarifications and would impose no additional requirements upon any small business. Improvements and clarifications to the Commission's siting process would benefit the entire state, including small business, by helping to ensure an adequate supply of electricity. The Commission filed an Economic and Fiscal Impact Statement (STD 399) with the Department of Finance that was approved on September 26, 2006, showing no adverse impacts on small businesses.

LOCAL MANDATE DETERMINATION

If adopted, the proposed regulations would not impose a mandate on local agencies or school districts.

COST/SAVINGS ESTIMATE

There would be approximately \$178,000 in cost savings to the Energy Commission the first year, and no costs to any local agencies or school districts that are required to be reimbursed under Government Code section 17500 et seq., resulting from the proposed regulations. Additionally, there would be no cost or savings to any other state agency or in federal funding to the state as a result of these amendments. There would be no oth-

er non-discretionary cost or savings imposed on local agencies.

INITIAL DETERMINATION — ECONOMIC IMPACT ON BUSINESSES

The California Energy Commission hereby declares that it has made an initial determination that the proposed changes to the siting regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Commission and its staff are unaware of any legitimate cause and effect relationship between the proposed procedural and timing clarifications and a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based upon the following facts: (1) the proposed regulations would mainly clarify Energy Commission procedures, and result in no significant additional burdens, duties, or costs upon power plant applicants; and (2) the Commission and its staff are unaware of any legitimate cause and effect relationship between the proposed procedural clarifications, revisions, and amendments and a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and (3) the Department of Finance has approved the Commission's Economic and Fiscal Impact Statement.

The Energy Commission believes the proposed regulations would assist in the prompt licensing and monitoring of power plants in accordance with the Commission's statutory responsibilities.

ASSESSMENT REGARDING JOBS AND BUSINESSES

The Commission's assessment is that the proposed amendments to the siting regulations would have no effect on the creation or elimination of California jobs and no effect on the creation of new business or the elimination or expansion of existing business within California. The number of power plants applied for, licensed, and then built would not be foreseeably changed by the proposed regulations. The proposed regulations would require no new reports.

POTENTIAL FOR ADVERSE IMPACTS ON BUSINESS AND INDIVIDUALS

The Commission's assessment is that the proposed amendments to the siting regulations would have no potential for adverse economic impact on California busi-

ness enterprises and individuals. The Commission's further assessment is that the proposed amendments would avoid the imposition of unnecessary or unreasonable regulations or reporting, record keeping, or compliance requirements. The Commission filed an Economic and Fiscal Impact Statement (STD 399) with the Department of Finance that was approved on September 26, 2006, showing no adverse impacts on businesses or individuals.

CONSIDERATION OF ALTERNATIVE PROPOSALS

Before adopting the proposed amendments, the Commission must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. To date the Commission is not aware of any alternatives that would be more effective or less burdensome than the proposed regulations.

IMPACT ON HOUSING COSTS

If adopted, the proposed regulations would not have an effect on housing costs.

COST IMPACT ON PRIVATE PERSONS AND BUSINESSES

The Energy Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RELATIONSHIP TO FEDERAL REGULATIONS

There are no comparable federal regulations or statutes governing the Energy Commission's procedural requirements for licensing power plants in California. Furthermore, no federally mandated regulation or amendment is being proposed.

STATUTORY AUTHORITY AND REFERENCE

Authority: Sections 25213, 25218(e), 25539, and 25541.5 Public Resources Code.

Reference: Section 11180 Government Code; Sections 21080.5, 25210, 25216.5, 25362, 25500, 25519, 25523, 25532, 25534, 25534.1, 25541.5, 25900, and 25967, Public Resources Code.

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION: Notice of Proposed Rulemaking
Title 22, California Code of Regulations

SUBJECT: Revision of Waterworks Standards,
R-14-03

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

All suppliers of domestic water to the public are subject to regulations adopted by the U.S. Environmental Protection Agency under the Safe Drinking Water Act (42 United States Code 300f et seq.) as well as by the California Department of Health Services (Department) under the California Safe Drinking Water Act (sections 116270-116751, Health and Safety Code).

The Department proposes to significantly reorganize and amend the existing Waterworks Standards regulations (section 64417, Chapter 15, and sections 64555 through 64644, Chapter 16, Title 22, California Code of Regulations). To avoid confusion, the Department proposes to completely repeal the existing standards, except for Section 64563 which is left intact, and replace them with the proposed amendments, even though some of the existing requirements are reflected in the new language.

The draft revisions to the Waterworks Standards were developed by an internal Department workgroup consisting of both field and technical branch staff. Subsequently, a group of stakeholders, representing the drinking water industry, convened and met with the Department to discuss the proposed changes, resulting in much of their input being incorporated. The Stakeholder Group then had a second opportunity to directly comment on the draft regulations. The Department also considered input from other interested parties who commented on the draft standards as posted on the Department's website for informal comment. The Department worked very closely with stakeholders on this regulation and the majority of the proposed requirements had full Stakeholder Group concurrence.

The regulations incorporate by reference various standards:

- California Department of Water Resources (Bulletins 74–81 and 74–90);
- American Water Works Association (AWWA): A100–06, C150/A21.50–02, C150/A21.51–02, C200–97, C300–04, C301–99, C302–04, C303–02, C304–99, C512–04, C600–05, C605–05, C651–05, C652–02, C654–03, C800–05, C900–97, C906–99, C909–02, C950–01, D100–05, D102–03, D103–97, D110–04, D120–02, D130–02, and Manuals M9 (1995), M11 (2004), M25 (2000), M51 (2001), and AWWA California–Nevada Section’s “Reservoir Floating Cover Guidelines” (April 1999).
- American National Standard Institute/NSF International (ANSI/NSF): 60–2005 and ANSI/NSF 61–2005/Addendum 1.0–2006.

In summary, the proposed regulation package would:

- For ease in revision, except for Section 64563, repeal the existing Waterworks Standards as contained in sections 64417, and 64555 through 64644 of Title 22;
- Update and clarify the regulatory requirements related to distribution systems, adopt new Waterworks Standards as detailed in proposed sections 64551 through 64604;
- For purposes of integrating related requirements, move the amended sections 64700 (Direct Additives) re-numbered 64590, and 64710 (Exception) re-numbered 64593 and retitled “Use of Uncertified Chemicals, Materials or Products” from Chapter 18 to the Waterworks Standards in Chapter 16;
- Set forth requirements for the purpose of ensuring sufficient supply to meet demands, adopt a requirement for a source capacity planning study for any anticipated water system expansion; and
- Address the potential for inadvertent contamination of drinking water and adopt a new section 64591 (Indirect Additives).

The net effects of the proposed regulations are as follows:

- Greater clarity and less ambiguity in the requirements as the result of reframing and updating the existing regulations;
- Requirements for the purpose of ensuring an adequate quantity of drinking water to supply any new developments or expansions of existing water systems prior to their establishment by requiring a comprehensive evaluation of anticipated demand and available supply; and
- Requirements for the purpose of ensuring that materials with which the drinking water may come

into contact during transmission, treatment, and distribution do not contaminate the water by requiring that such materials be certified to have met safety standards.

AUTHORITY

Sections 100275 and 116375, Health and Safety Code.

REFERENCE

Sections 116275, 116530, and 116535, Health and Safety Code.

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on February 16, 2007, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1–800–735–2929, if you have a TDD; or 1–800–735–2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, California Department of Health Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899–7413. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440–7714; or
3. By email to regulation@dhs.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier “R–14–03” in the subject line to facilitate timely identification and review of the comment), or
4. By using the “Making Comments on DHS Regulations” link on the Department website at <http://www.applications.dhs.ca.gov/regulations/>.

All comments, including email or fax transmissions, should include the author’s name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to

Michael G. McKibben, P.E., Senior Engineer, Standards and Technology Unit, Drinking Water Program, at (619) 525-4023.

All other inquiries concerning the action described in this notice may be directed to Don Lee of the Office of Regulations, at (916) 440-7673, or to the designated backup contact person, Linda Tutor, at (916) 440-7695.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, R-14-03.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at <http://www.applications.dhs.ca.gov/regulations/> and then clicking on the "Select DHS regulations" button.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email regulation@dhs.ca.gov, or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None.
- B. Fiscal Effect on State Government: None.
- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations will not significantly affect the following:

- 1. The creation or elimination of jobs within the State of California. The requirements summarized above should not have any effect in this area in that there would not be any change in water system or regulatory personnel needed for compliance with the proposed requirements.
- 2. The creation of new businesses or the elimination of existing businesses within the State of California. The nature of the water industry is such that the proposed regulation will not result in the creation or elimination of water systems. The impact of these regulations will be insignificant.
- 3. The expansion of businesses currently doing business within the State of California. Since water system size is basically a function of the number of service connections (consumers) served, the proposed regulations should not have any effect on expansion.

The Department has determined that the regulations would not affect small businesses. Government Code Chapter 3.5, Article 2, Section 11342.610 excludes drinking water utilities from the definition of small business.

The Department has determined that the regulations will have no impact on housing costs.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Don Lee, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, voice (916) 440-7673 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

GENERAL PUBLIC INTEREST

OFFICE OF ADMINISTRATIVE LAW

REQUEST FOR PUBLIC INPUT ANNUAL RULEMAKING CALENDAR GOVERNMENT CODE 11017.6

Each year all state government agencies with rulemaking authority are required to prepare a rulemaking calendar pursuant to section 11017.6 of the Government Code. The rulemaking calendar lists anticipated rulemaking activity by the agency for the coming year. The rulemaking calendar is non-binding. Section 11017.6 specifically allows agencies to adopt rules that were not listed in the rulemaking calendar if it is required by unanticipated circumstances.

The requirement to prepare a rulemaking calendar was established in 1982 and has not been amended since

1987. In 2000 the Legislature adopted section 11340.85 of the Government Code, which requires state agencies to post all their rulemaking activity on their web sites. The information that must be posted on the web pursuant to section 11340.85 is much more extensive than that included in the annual rulemaking calendar pursuant to section 11017.6. Use of the internet as a primary information source has, obviously, increased greatly since 1982.

The Office of Administrative Law is attempting to evaluate the public's current level of reliance upon the annual rulemaking calendar as a source of information about state agency rulemaking. If you have found that the annual rulemaking calendar continues to be a valuable source of information to you, please let us know through one of the following methods:

1. Send an e-mail message to staff@oal.ca.gov;
2. Send a note via fax to (916) 323-6826;
3. Leave a telephone voice message at (916) 323-6815; or
4. Send a letter to:

Office of Administrative Law
Rulemaking Calendar Survey
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Any information that you could provide on this subject would be greatly appreciated.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF BARBERING AND COSMETOLOGY Cleaning and Disinfecting Whirlpool Footspas

This rulemaking package amends one section and adopts two sections to Title 16, Division 9 of the Barbering and Cosmetology regulations. These changes regulate the procedures for cleaning and disinfecting various types of footspas commonly used in salons. These changes are necessary because current cleaning procedures do not adequately protect patrons from "serious pedicure-related skin infections."

Title 16
California Code of Regulations
ADOPT: 980.2, 980.3 AMEND: 980.1
Filed 12/18/06
Effective 12/18/06
Agency Contact: Paul Cobb (916) 445-8893

BOARD OF PSYCHOLOGY**Continuing Education — Laws and Ethics**

This regulatory action broadens the means by which the “laws and ethics” training component for renewing a license can be fulfilled. It removes the minimum hour requirement but continues to require certification of training under penalty of perjury. It also further clarifies what type of training is necessary and the methods of obtaining such training.

Title 16
California Code of Regulations
AMEND: 1397.61(b)
Filed 12/20/06
Effective 01/19/07
Agency Contact: Kathy Bradbury (916) 263-0712

CALIFORNIA ENERGY COMMISSION**Amendments to Appliance Efficiency Regulations**

In this regulatory action, the California Energy Commission amends its Appliance Efficiency Regulations in a number of areas, with the primary focus upon the areas of lamps and luminaries.

Title 20
California Code of Regulations
AMEND: 1602, 1602.1, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608
Filed 12/14/06
Effective 12/14/06
Agency Contact: Gary Flamm (916) 654-2814

DEPARTMENT OF CORRECTIONS AND REHABILITATION**Incompatible Activity**

This adoption of section 3413.1 and amendment of section 3413 of Title 15 revises the requirements for an employee of CDCR testifying as an expert witness in pending court cases or administrative hearings. The regulations set forth the amount of notice CDCR must receive from the employee and that the employee’s salary must be reimbursed by the person issuing the subpoena for testimony.

Title 15
California Code of Regulations
ADOPT: 3413.1 AMEND: 3413
Filed 12/19/06
Effective 12/19/06
Agency Contact: Stephanie Winn (916) 358-2393

DEPARTMENT OF FOOD AND AGRICULTURE**Diaprepes Root Weevil Interior Quarantine**

This emergency regulatory action expands the quarantine area of Title 3, section 3433, based on multiple finds of diaprepes root weevil.

Title 3
California Code of Regulations
AMEND: 3433(b)
Filed 12/20/06
Effective 12/20/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE**Oriental Fruit Fly Interior Quarantine**

This emergency regulatory action removes the Oriental Fruit Fly Interior Quarantine from the Rialto area of San Bernardino County.

Title 3
California Code of Regulations
AMEND: 3423(b)
Filed 12/20/06
Effective 12/20/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE**Procedure for Noncompliance Hearings**

This action codifies the Department of Insurance’s administrative hearing procedures for hearings to determine compliance of insurers or other organizations with the requirements of Insurance Code, Chapter 9 governing rates and ratings.

Title 10
California Code of Regulations
ADOPT: 2614, 2614.1, 2614.2, 2614.3, 2614.4, 2614.5, 2614.6, 2614.7, 2614.8, 2614.9, 2614.10, 2614.11, 2614.12, 2614.13, 2614.14, 2614.15, 2614.16, 2614.17, 2614.18, 2614.19, 2614.20, 2614.21, 2614.22, 2614.23, 2614.24, 2614.25, 2614.26, 2614.27
Filed 12/20/06
Effective 01/19/07
Agency Contact: Lara Sweat (415) 538-4192

DEPARTMENT OF INSURANCE**Investment Consultants — Derivative Transactions**

These regulations establish requirements regarding the disclosure of affiliations and conflicts of interest be-

tween an insurer and persons contracted by the commissioner to perform services on behalf of the commissioner in connection with examination of derivative transactions of an insurer.

Title 10
California Code of Regulations
AMEND: 2690.90, 2690.91, 2690.92, 2690.93, 2690.94
Filed 12/19/06
Effective 01/18/07
Agency Contact: Jack Hom (415) 538-4129

DEPARTMENT OF INSURANCE
Mutual Fund Investments in Variable Products

This action is the resubmittal filing of provisions governing mutual fund investments involved in variable life insurance products. This resubmittal action codifies Insurance Department Bulletin 97-2 in regulation form as mandated by AB 2778 (Chap. 347, Stats. 2002). The prior disapproved filing resubmitted here was OAL file number 06-0509-01S.

Title 10
California Code of Regulations
ADOPT: 2534.40, 2534.41, 2534.42, 2534.43, 2534.44, 2534.45, 2534.46
Filed 12/13/06
Effective 01/12/07
Agency Contact: Gene Woo (415) 538-4496

DEPARTMENT OF PESTICIDE REGULATION
Data Cost-Sharing

This regulatory action is to implement and make specific amendments to Section 12811.5 of the Food & Agriculture Code. The regulatory sections being adopted describe the requirements and time constraints for three major aspects of these amendments: (1) the dispute resolution procedure for data cost-sharing agreements; (2) the procedure for the data owner to notify the Department regarding an applicant's non-compliance with Section 12811.5(a-d); and (3) the procedure to obtain a determination from the Director regarding the non-compliance notification.

Title 3
California Code of Regulations
ADOPT: 6310, 6312, 6314 AMEND: 6170
Filed 12/19/06
Effective 12/19/06
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF SOCIAL SERVICES
Adult Day Programs

This regulatory action is a resubmittal of a previously disapproved regulatory action that implements section 1530.1 of the Health and Safety Code which requires that the Department of Social Services adopt regulations to combine adult day care and adult day support centers licensing categories into one category: adult day programs.

Title 22, MPP
California Code of Regulations
ADOPT: 82003, 82005, 82006, 82007, 82010, 82012, 82017, 82017, 82019, 82019.1, 82020, 82021, 82023, 82024, 82025, 82026, 82027, 82028, 82029, 82030, 82031, 82034, 82035, 82036, 82040, 82042, 82044, 82046, 82051, 82052, 82053, 82054, 82055, 82055.1, 82056
Filed 12/13/06
Effective 01/12/07
Agency Contact: Alison Garcia (916) 657-2586

FAIR POLITICAL PRACTICES COMMISSION
Technical changes to Title 2, Division 6

The regulatory action deals with the following topics: rulemaking procedure, the application of Government Code section 18316.5, petition for rehearing, required recordkeeping for Chapter 4, the establishment of a separate controlled committee for each campaign account, the carry over of contributions, determining whether a public official or his or her immediate family is deemed to be directly involved in a governmental decision which has any effect on his or her personal finances or those of his or her immediate family, the materiality standard; economic interest in personal finances, provisions of conflict of interest codes, and revolving door; appearances and communications.

Title 2
California Code of Regulations
AMEND: 18312, 18316.5, 18326, 18401, 18521, 18537.1, 18704.5, 18705.5, 18730, 18746.2
Filed 12/18/06
Effective 01/17/07
Agency Contact: Joan Giannetta (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Biennial gift adjustment for public official

The regulatory action deals with contribution limits and voluntary expenditure ceiling amounts.

Title 2
California Code of Regulations
AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943
Filed 12/18/06
Effective 01/01/07
Agency Contact: Joan Giannetta (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Contribution Limit and Voluntary Expenditure Ceiling Amounts

The regulatory action deals with contribution limits and voluntary expenditure ceiling amounts.

Title 2
California Code of Regulations
AMEND: 18545
Filed 12/18/06
Effective 01/01/07
Agency Contact: Joan Giannetta (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Reporting of Contributions and Expenditures Collected by Contact Vendors

The regulatory action deals with the reporting of contributions and expenditures collected by contract vendors or collecting agents.

Title 2
California Code of Regulations
ADOPT: 18421.3
Filed 12/18/06
Effective 01/17/07
Agency Contact:
Emelyn Rodriquez (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Public generally, small jurisdictions; effects on official's domicile

This regulatory action deals with the residential real property that is the domicile of a public official and what conditions must be met in order for the effect of a governmental decision on that domicile to be not distinguishable from the effect on the public generally. The regulation defines domicile and states that "Nothing contained in this regulation shall preclude the application of the public generally provisions of regulation 18707.1 or any other regulations not applicable solely to small jurisdictions."

Title 2
California Code of Regulations
ADOPT: 18707.10
Filed 12/14/06
Effective 01/13/07
Agency Contact: Bill Lenkeit (916) 322-5660

FISH AND GAME COMMISSION
Fee Adjustments Pursuant to Section 713

This regulatory action is to adjust the fees for specified permits and endorsements in ten sections including, but not limited to, pink shrimp, coonstripe shrimp, spot prawn, and market squid, pursuant to Section 713 of the Fish & Game Code, as a change without regulatory

effect. The amendments increase the fees based on the Implicit Price Deflator (IPD). Section 125 was withdrawn by the agency to submit as part of a regular rule-making.

Title 14
California Code of Regulations
AMEND: 105.1, 120.01, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 231
Filed 12/19/06
Effective 12/19/06
Agency Contact: Jon Snellstrom (916) 653-4899

NEW MOTOR VEHICLE BOARD
ACP Fee 2006/2007 Billing

In this action without regulatory effect, New Motor Vehicle Board is revising the fee that is calculated and collected annually from California new vehicle manufacturers and distributors to fund the Certification Account in the Consumer Affairs Fund (the Arbitration Certification Program or ACP fund) based on the formula prescribed in 13 CCR sec. 553.70 and as authorized under Business and Professions Code sec. 472.5 and Vehicle Code sec. 3016. Based on the formula, the fee will be increased for 2005 from \$.41 to \$.436 per vehicle.

Title 13
California Code of Regulations
AMEND: 553.70
Filed 12/13/06
Effective 12/13/06
Agency Contact: Dawn K. Kindel (916) 445-1888

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Mobile Tower Crane Operator Certification, Exception No. 2

This amendment to section 5006.1 of Title 8 clarifies that mobile truck cranes manufactured to the ASME B30.5 standards are not exempt from crane operator certification. The exemption only applies to electric line/digger derrick trucks manufactured to the ANSI A10.31 standard.

Title 8
California Code of Regulations
AMEND: 5006.1
Filed 12/15/06
Effective 01/14/07
Agency Contact: Marley Hart (916) 274-5721

SECRETARY OF STATE
HAVA Statewide Voter Registration Database
The Help America Vote Act of 2002 (HAVA) in 42 U.S.C. 15483 required each state with voter registration requirements for elections for federal office to imple-

ment, through the chief state elections official, a single, uniform, official, centralized interactive computerized statewide voter registration list by January 1, 2004. Pursuant to a waiver pursuant to 42 U.S.C. 15483(d)(1)(B), the statewide voter registration list requirements became effective for California on January 1, 2006. This filing is a third readoption of an emergency regulatory action which had adopted interim provisions implementing such a list in California beginning January 1, 2006 but which expires on December 13, 2006. Pursuant to these emergency regulations, for affidavits of registration submitted on or after January 1, 2006, if a registration record does not include a driver's license or state identification number, the elections official is required to determine whether a driver's license or state identification number is available through Calvalidator (an electronic process established to verify information with the records of the Department of Motor Vehicles). If so, the elections official is required to contact the applicant to confirm the driver's license or state identification number prior to entering the number into the registration record. This filing is also a second readoption of an emergency regulatory action filed with the Secretary of State on April 24, 2006 which only required the elections official to contact the applicant if Calvalidator identifies more than one individual who possess the last name, first name, and date of birth of the registrant. That filing also contained a change in that when the elections official is unable after reasonable attempts to contact the applicant to verify a California driver's license or state identification number or social security number on a new affidavit of registration, the elections official shall go ahead and generate a unique identification number.

Title 2

California Code of Regulations

ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80

Filed 12/13/06

Effective 12/13/06

Agency Contact: Michael Kanotz (916) 653-1690

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998 — Energy Funds

This is the certificate of compliance to permanently adopt an emergency regulation (06-0810-01E). The Board had depleted school bond funds for modernization projects but there was an unused balance of \$5.9 million for energy efficiency funds for modernization

projects. The emergency rulemaking action made the \$5.9 million available to fund modernization projects and also apportioned more new construction energy efficiency grants.

Title 2

California Code of Regulations

AMEND: 1859.2, 1859.70.1, 1859.71.3, 1859.78.5

Filed 12/18/06

Effective 12/18/06

Agency Contact: Robert Young (916) 445-0083

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN JULY 19, 2006 TO
DECEMBER 20, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

12/18/06 AMEND: 18545

12/18/06 AMEND: 18312, 18316.5, 18326, 18401, 18521, 18537.1, 18704.5, 18705.5, 18730, 18746.2

12/18/06 ADOPT: 18421.3

12/18/06 AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943

12/18/06 AMEND: 1859.2, 1859.70.1, 1859.71.3, 1859.78.5

12/14/06 ADOPT: 18707.10

12/13/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80

11/06/06 AMEND: 18216, 18421.1

11/03/06 AMEND: 1859.73.2

10/31/06 AMEND: 559.500, 559.501, 559.503, 559.504, 559.505, 559.507, 559.508, 559.509, 559.510, 559.511, 559.512, 559.513, 559.515, 559.516, 559.517

10/12/06 AMEND: 714

09/27/06 AMEND: 18754

09/07/06 AMEND: 21904, 21905

09/05/06 AMEND: 1859.2, 1859.76, 1859.83,
1859.163.1
08/23/06 AMEND: 1181.4
08/21/06 AMEND: 1859.2, 1859.70.1, 1859.71.3,
1859.78.5
08/15/06 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
20108.25, 20108.30, 20108.35,
20108.36, 20108.37, 20108.38,
20108.40, 20108.45, 20108.50,
20108.51, 20108.55, 20108.60,
20108.65, 20108.70, 20108.75,
20108.80
08/11/06 AMEND: 1859.2, 1859.40, 1859.51,
1859.70, 1859.93.1, 1859.95, 1859.147,
1859.202, 1866
07/24/06 AMEND: 18944

Title 3

12/20/06 AMEND: 3423(b)
12/20/06 AMEND: 3433(b)
12/19/06 ADOPT: 6310, 6312, 6314 AMEND:
6170
12/06/06 AMEND: 3591.6
12/06/06 AMEND: 3700(c)
11/30/06 ADOPT: 6128 AMEND: 6130
11/16/06 AMEND: 3433(b)
11/13/06 AMEND: 3423(b)
11/08/06 AMEND: 3591.2(a)
10/27/06 ADOPT: 765 AMEND: 760.4, Article
3.5
10/19/06 AMEND: 3591.6(a)
10/12/06 AMEND: 3433(b)
10/12/06 ADOPT: 3424
10/12/06 AMEND: 3433(b)
10/06/06 AMEND: 3591.13(a)
10/06/06 AMEND: 3700(c)
10/05/06 AMEND: 3433(b)
10/05/06 AMEND: 3589
10/02/06 AMEND: 3591.6(a)
09/19/06 AMEND: 3433(b)
09/12/06 AMEND: 3406(b)
09/12/06 AMEND: 3591.12(a)
09/08/06 AMEND: 3423(b)
09/07/06 AMEND: 3433(b)
09/05/06 AMEND: 3406(b)
08/29/06 AMEND: 3433(b)
08/24/06 AMEND: 3433(b)
08/23/06 AMEND: 3591.12(a)
08/17/06 AMEND: 3591.19(a)
08/16/06 AMEND: 3433(b)
08/15/06 AMEND: 3700(c)
08/15/06 AMEND: 3700(c)
08/10/06 AMEND: 3591.6(a)

08/01/06 AMEND: 3591.6(a)
08/01/06 AMEND: 3424(b)
07/28/06 AMEND: 3591.2(a)
07/26/06 AMEND: 3700(c)
07/21/06 REPEAL: 1366
07/19/06 ADOPT: 6310 AMEND: 6170

Title 4

12/05/06 AMEND: 1582
11/22/06 AMEND: 1544 & 1658
11/16/06 ADOPT: 2422.1
11/03/06 AMEND: 10152, 10153, 10155, 10159,
10160, 10161, 10162
10/24/06 AMEND: 1486
10/16/06 AMEND: 1733
09/26/06 AMEND: 1976.8
07/19/06 AMEND: 12358, 12359

Title 5

11/13/06 AMEND: 18013, 18054
11/08/06 AMEND: 850, 851, 852, 853, 854, 855,
857, 858, 859, 861, 862, 863, 864, 864.5,
865, 866, 867, 870 REPEAL: 850.5, 880,
881, 882, 883, 884, 886, 887, 888, 890,
891, 892, 893, 894, 895, 896, 897, 898,
899, 901
10/26/06 AMEND: 30023(c)
10/23/06 ADOPT: 11991, 11991.1, 11991.2
10/16/06 ADOPT: 11987, 11987.1, 11987.2,
11987.3, 11987.4, 11987.5, 11987.6,
11987.7
09/29/06 ADOPT: 19833.5, 19833.6 AMEND:
19815, 19816, 19816.1, 19819, 19824,
19828.1, 19831
09/15/06 REPEAL: 18074.1(b), (c), (d), 18074.3,
18074.4, 18074.5, 18074.6
08/30/06 ADOPT: 15566, 15567, 15568 REPEAL:
15569
08/15/06 AMEND: 1030.7, 1030.8
07/31/06 ADOPT: 1043.2, 1043.4, 1043.6, 1043.8,
1043.10, 1047, 1048 AMEND: 1040,
1041, 1043, 1044 REPEAL: 1042, 1045,
1046
07/27/06 ADOPT: 40500.1, 40511, 40512, 41020
AMEND: 40100
07/25/06 ADOPT: 1207.1, 1207.2 AMEND:
1204.5
07/21/06 ADOPT: 15566, 15567, 15568, 15569

Title 8

12/15/06 AMEND: 5006.1
11/14/06 AMEND: 6368
11/14/06 AMEND: 3482, 5161, 5178
11/08/06 AMEND: 17000 Appendix
11/02/06 AMEND: 3650

10/18/06	AMEND: 9768.5, 9768.10, 9788.11, 9788.31, 9789.33	08/28/06	ADOPT: 803, 810, 810.1, 810.2, 810.3, 810.4, 810.5, 810.6, 810.7 AMEND: 800, 801, 802, 804, 806, 807
09/29/06	AMEND: 341, 341.1		
09/25/06	AMEND: 4920	08/08/06	ADOPT: 3583 AMEND: 3500, 3525, 3527, 3528, 3541, 3542, 3543, 3544, 3563, 3568, 3603, 3622, 3668, 3681, 3682, 3761 REPEAL: 3541
09/21/06	ADOPT: 10001, 10002, 10003		
09/19/06	ADOPT: 1532.2, 5206, 8359 AMEND: 5155	08/02/06	ADOPT: 2790.7
07/31/06	AMEND: 5154.1	08/01/06	ADOPT: 5370, 5371, 5372, 5373, 5374, 5375, 5376, 5377
07/28/06	AMEND: Subchapter 4, Appendix B, Plate B-1-a	07/28/06	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
07/27/06	ADOPT: 3395	07/26/06	ADOPT: 5280, 5281, 5282, 5283, 5284, 5285, 5286
07/19/06	ADOPT: 10004, 10005 AMEND: 10133.53, 10133.55	07/24/06	ADOPT: 2498.6
Title 9			
11/21/06	AMEND: 9100	Title 11	
09/25/06	ADOPT: 3400	10/13/06	AMEND: 30.5
Title 10			
12/20/06	ADOPT: 2614, 2614.1, 2614.2, 2614.3, 2614.4, 2614.5, 2614.6, 2614.7, 2614.8, 2614.9, 2614.10, 2614.11, 2614.12, 2614.13, 2614.14, 2614.15, 2614.16, 2614.17, 2614.18, 2614.19, 2614.20, 2614.21, 2614.22, 2614.23, 2614.24, 2614.25, 2614.26, 2614.27	10/13/06	AMEND: 30.1
12/19/06	AMEND: 2690.90, 2690.91, 2690.92, 2690.93, 2690.94	08/16/06	ADOPT: 1084
12/13/06	ADOPT: 2534.40, 2534.41, 2534.42, 2534.43, 2534.44, 2534.45, 2534.46	07/27/06	AMEND: 1001, 1005, 1008, 1011, 1014, 1015, 1018, 1052, 1053, 1055, 1056, 1081 and Procedures D-1, D-2, D-10 E-1, F-1, and F-6
11/15/06	AMEND: 2697.6, 2697.61	Title 13	
11/09/06	AMEND: 2534.27, 2534.28	12/13/06	AMEND: 553.70
11/09/06	AMEND: 2498.5	12/06/06	ADOPT: 2022, 2022.1
10/24/06	ADOPT: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12, 2303.13, 2303.14, 2303.15, 2303.16, 2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25	12/01/06	ADOPT: 2479
10/16/06	ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17	11/13/06	AMEND: 2445.2(a)
10/10/06	AMEND: 2498.4.9	11/13/06	AMEND: 2111, 2112, 2441, 2442, 2444.2, 2445.1, 2445.2, 2446
10/03/06	AMEND: 2498.5	10/30/06	ADOPT: 118.00
10/02/06	AMEND: 2248.4, 2249.1, 2249.2, 2249.6, 2249.7, 2249.8, 2249.9, 2249.10, 2249.11, 2249.12, 2249.13, 2249.14, 2249.15, REPEAL: 2248.11, 2248.12, 2248.19	10/27/06	AMEND: 423.00
09/20/06	AMEND: 2318.6, 2353.1	10/16/06	AMEND: 1956.8, 2404, 2424, 2425, 2485
09/14/06	AMEND: 3528	10/05/06	AMEND: Section 1
08/29/06	AMEND: 2699.6600	09/14/06	AMEND: 25.06, 25.07, 25.08, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
		09/11/06	ADOPT: 2467.8, 2467.9 AMEND: 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5, 2467.6, 2467.7, Incorporated Documents REPEAL: 2467.8, Incorporated Test Method 512
		09/07/06	AMEND: 1956.1, 1956.8, 2023.1, 2023.4
		08/24/06	AMEND: 28.22
		07/28/06	AMEND: 154.00
		Title 13, 17	
		12/06/06	ADOPT: 2299.1, 93118

Title 14

12/19/06 AMEND: 105.1, 120.01, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 231

12/05/06 AMEND: 2305, 2310, 2320

12/01/06 AMEND: 163, 164

11/27/06 ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72

11/27/06 ADOPT: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.11, 18660.12, 18660.13, 18660.14, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.23, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33

11/22/06 AMEND: 939.15, 959.15

11/16/06 AMEND: 916.5(e), 936.5(e), 956.5(e), 916.9, 936.9, 956.9

11/14/06 AMEND: 5101, 5104

11/07/06 AMEND: 11900

11/02/06 AMEND: 183

10/19/06 AMEND: 632(b)(72)

10/11/06 AMEND: 895, 895.1, 1038, 1038(f)

10/06/06 AMEND: 670.2

09/20/06 AMEND: 895.1, 898, 914.8, [934.8, 954.8], 916, [936, 956], 916.2 [936.2, 956.2], 916.9, [936.9, 956.9], 916.11, [936.11, 956.11], 916.12, [936.12, 956.12], 923.3, [943.3, 963.3], 923.9, [943.9, 963.9]

09/19/06 AMEND: 502

09/15/06 AMEND: 851.8, 851.23, 851.51.1, 851.85, 852.3, 851.4, 851.10, 851.10.1

08/31/06 AMEND: 27.80

08/11/06 AMEND: 7.50

08/11/06 AMEND: 1261

08/04/06 ADOPT: 701, 702 AMEND: 1.74, 27.15, 27.67, 478.1, 551, 601, 708

07/31/06 ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72

07/31/06 ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07,

4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04

07/28/06 ADOPT: 7.50(b)(178)

07/28/06 AMEND: 15411

07/19/06 ADOPT: 18459.1.2, Forms CIWMB 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1, 11

Title 14, 22

07/27/06 ADOPT: 69200, 69201, 69202, 69203, 69204, 69205, 69206, 69207, 69208, 69209, 69210, 69211, 69212, 69213, 69214 REPEAL: 19030, 19031, 19032, 19033, 19034, 19035, 19036, 19037, 19038, 19039, 19040, 19041, 19042, 19043, 19044

Title 15

12/19/06 ADOPT: 3413.1 AMEND: 3413

12/04/06 AMEND: 3041.2, 3053, 3177, 3331, 3375

11/03/06 AMEND: 3084.1

11/03/06 AMEND: 3375.2, 3377.1

10/06/06 ADOPT: 2275

10/03/06 ADOPT: 3352.2 AMEND: 3350.1, 3352.1, 3354, 3358

08/11/06 ADOPT: 4034.0, 4034.1, 4034.2, 4034.3, 4034.4 REPEAL: 4036.0, 4040.0

07/27/06 AMEND: 3000, 3062, 3075, 3210

Title 16

12/20/06 AMEND: 1397.61(b)

12/18/06 ADOPT: 980.2, 980.3 AMEND: 980.1

12/07/06 ADOPT: 1793.8 AMEND: 1793.7

12/05/06 AMEND: 1397.12

11/16/06 ADOPT: 1399.170.20.1 AMEND: 1399.151.1

11/16/06 AMEND: 1351.5, 1352

11/16/06 AMEND: 28

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